

FINAL
CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
09:00 a.m. May 12, 2009

City Council Chambers
455 North Main

OPENING OF REGULAR MEETING

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on May 5, 2009

AWARDS AND PROCLAMATIONS

- Proclamation:

Public Works Week

I. PUBLIC AGENDA

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

None

COUNCIL BUSINESS

II. UNFINISHED COUNCIL BUSINESS

None

III. NEW COUNCIL BUSINESS

1. Appeal from an order of the Chief of Police to suspend Local Liquor License of El Farol Rojo Club, 1030 south Broadway. (District I)

RECOMMENDED ACTION: Conduct a hearing of the licensee's appeal and issue an order either upholding or overturning the same.

2. Wichita Police Department and Law Department Domestic Violence Process Server Grant.

RECOMMENDED ACTION: Ratify the grant application.

3. Special Assessment Financing Program for Façade Improvements – program modifications.

RECOMMENDED ACTION: Approve the proposed modifications to the Façade Improvement Program policies and procedures.

4. Special Assessment Financing Program for Asbestos and Lead Paint Management – program modifications.

RECOMMENDED ACTION: Approve the proposed modifications to the Asbestos/Lead Paint Program policies and procedures.

5. Substantial Amendment to the 2008-2009 One Year Action Plan.

RECOMMENDED ACTION: Approve the Substantial Amendment, authorize necessary signatures and authorize submission to the U.S. Department of Housing and Urban Development.

6. Federal Fiscal Year 2009/2010 Community Service Block Grant American Recovery and Reinvestment Act Application.

RECOMMENDED ACTION: Approve the FFY 2009/2010 CSBG ARRA Application and authorize the necessary signatures.

7. Hydraulic Improvement, between Harry and Kellogg. (District I)

RECOMMENDED ACTION: Approve the increased budget of \$527,500; place the amending ordinance on first reading; and authorize the signing of state/federal agreements as required.

8. Reallocation Athletic Court CIP Funding. (Districts I and VI)

(PULLED PER CITY MANAGER)

COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

IV. NON-CONSENT PLANNING AGENDA

None

V. CONSENT PLANNING AGENDA (ITEMS 1 THROUGH 10)

1. *ZON2009-00008 – City zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) subject to a Protective Overlay; generally located northeast of the intersection of K-15 and 31st Street South. (District III)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC, approve the zone change with Protective Overlay #230 and place the ordinance on first reading; OR 2) Return the application to the MAPC for reconsideration.

2. *ZON2009-00009 – City zone change from B Multi-family Residential (“B”) to GC General Commercial (“GC”); generally located on the southeast corner of Dodge Avenue and 1st Street. (District IV)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; OR 2) Return the application to the MAPC for reconsideration.

3. *ZON2009-10/CUP2009-07 – City zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) and Amendment to DP-164 Westwind II for vehicle repair, general; generally located south of 21st Street North and east of Tyler Road (8535 West 21st Street North). (District V)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading; OR 2) Return the application to the MAPC for reconsideration.
(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

4. *SUB 2008-64 - Plat of Cox Machine Third Addition located east of Hoover Road and on the north side of 21st Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat and authorize the necessary signatures.

5. *SUB 2009-07 - Plat of Harley Voth Addition located on the south side of Douglas and east of West Street. (District IV)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and approve first reading of the Ordinance.

6. *VAC2002-00042 – Request to vacate a platted easements; generally located northwest of the West Kellogg Drive and Julia interchange. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

7. *VAC2009-00004 - Request to vacate a public sewer easement, established by prescription; generally located east of Oliver Avenue and south of 21st Street North. (District I)

RECOMMENDED ACTION: Approve the Vacation Order, and authorize the necessary signatures.

8. *VAC2009-00006 - Request to vacate a platted easement; generally located on the north side of 21st Street North, midway between Tyler Road and Ridge Road. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

9. *VAC2009-00008 - Request to vacate platted street right-of-way; generally located south of Central Avenue, between Santa Fe and Mead Avenues. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

10. *DED 2009-00009 -- Dedication of Abutter's Access Rights located from Kellogg south to Orme Street between Mission Road and Gouverneur Road. (District II)

RECOMMENDED ACTION: Accept the Dedication.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

Allan Murdock, Housing Member is also seated with the City Council.

VI. NON-CONSENT HOUSING AGENDA

None

VII. CONSENT HOUSING AGENDA

None

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

VIII. NON-CONSENT AIRPORT AGENDA

None

IX. CONSENT AIRPORT AGENDA

1. *Wichita Mid-Continent Airport, Renovations to Hangar 16, 1700 Airport Road, Supplemental Agreement.

RECOMMENDED ACTION: Approve the supplemental agreement and authorize the necessary signatures.

COUNCIL AGENDA

X. COUNCIL MEMBER AGENDA

None

XI. COUNCIL MEMBER APPOINTMENTS

1. Board Appointments.

RECOMMENDED ACTION: Approve the Appointments.

XII. CONSENT AGENDA (ITEMS 1 THROUGH 19A)

1. Report of Board of Bids and Contracts dated May 11, 2009.

- a. Report of Board of Bids and Contracts.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses:

<u>Renewal</u>	<u>2009</u>	
After Dark Video	Lewis F. Self	2809 North Broadway

RECOMMENDED ACTION: Approve the licenses.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>New</u>	<u>2009</u>	<u>(Consumption off Premises)</u>
Kulwinder Jaswal	Jaswal LLC dba Petro America	2838 West Central
<u>Renewal</u>	<u>2009</u>	<u>(Consumption off Premises)</u>
Charlie Nguyen	Charlie's Grocery Convenience	527 East Central
<u>Renewal</u>	<u>2009</u>	<u>(Consumption on Premises)</u>
Paul A. Eck	Family Homes Association, Inc.*	3202 West 13th Street North

* General/Restaurant 50% or more gross revenue from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a. Preliminary Estimates (See Attached)

RECOMMENDED ACTION: Receive and file.

5. Petitions for Public Improvements:

- a. Street Paving in Oak Creek Second and Third Additions, south of 21st, west of Greenwich. (District II)
b. Petition to renovate building facade at 579 west Douglas, southeast corner of Sycamore and Douglas.
(District IV)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

6. Deeds and Easements:

- a. Deeds and Easements (See Attached)

RECOMMENDED ACTION: Accept documents.

7. Consideration of Street Closures/Uses.

- a. Victory in the Valley East Meets West Walk/Run. (Districts IV and VI)

RECOMMENDED ACTION: Approve street closure.

8. Agreements/Contracts:

- a. ***Supplemental Agreement for additional engineering services on East Kellogg. (District II) (PULLED PER CITY MANAGER)***
b. Relocation of NuStar Pipe Line along 21st Street North, between K-96 Expressway and 159th Street East. (District II)
c. Supplemental Agreement for Midtown Bike Path. (District VI)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

9. Design Services Agreement:

- a. Agreement for Design Services for Downtown Wayfinding. (District I)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

10. Change Orders:

- a. 2008 Sanitary Sewer Reconstruction Program, south of Central, east of West Street. (Districts IV and VI)
b. Hess Electrical Improvements - Change Order.

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

11. Minutes of Advisory Boards/Commissions

District Advisory Board I, March 2, 2009

Wichita Board of Appeals of Refrigeration, Warm Air Heating and Boiler, February 26th, 2009

Wichita Board of Appeals of Refrigeration, Warm Air Heating and Boiler, March 26, 2009

RECOMMENDED ACTION: Receive and file.

12. April 2009 Monthly Contracts and Agreements Report to Council.

RECOMMENDED ACTION: Receive and file.

13. Buffalo Park Pond, CFAP Grant Application. (District V)

RECOMMENDED ACTION: Approve the grant application.

14. Vietnam Community Memorial in Veteran's Park. (District VI)

RECOMMENDED ACTION: The memorial donation be approved by the City Council as it was presented on April 15, 2009 to the Design Council; private funds being raised to fulfill their commitment to partner with the Park Board to complete this project.

15. Approval of Option Purchase for Digital Security Camera System Upgrade for Buses and Vans.

RECOMMENDED ACTION: Approve this purchase to complete this project.

16. Aquifer Storage and Recovery 2008 Accounting Model-Supplemental Agreement.

RECOMMENDED ACTION: Approve the Supplemental Agreement for Professional Services with Burns & McDonnell and authorize the necessary signatures.

17. Aquifer Storage and Recovery Phase II - Overhead Power Lines Professional Services - Supplemental Agreement.

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

18. Gas Line Extension for Standby Power Facilities.

RECOMMENDED ACTION: Approve the payment to Black Hills Energy for \$179,000 and authorize the necessary signatures.

19. Second Reading Ordinances: (First Read May 5, 2009)

- a. List of Second Reading Ordinances. (See Attached)

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council Members

SUBJECT: Appeal from an order of the Chief of Police to suspend Local Liquor License of El Farol Rojo Club, 1030 S Broadway. (District I)

INITIATED BY: Wichita Police Department

AGENDA: New Business

Recommendation: Conduct a hearing on the appeal regarding the suspension of the drinking establishment license for El Farol Rojo Club, 1030 S Broadway per ordinance.

Background: City ordinance defines a Drinking Establishment (DE) in Sec. 4.04.010(s) as a “premises which may be open to the general public over twenty-one years of age, where alcoholic liquor by the individual drink is sold”. When designated a Drinking Establishment (DE), Wichita City Ordinance/ Sec.4.16.130(a) states that “no licensee or employee of a drinking establishment shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor on premises licensed as a drinking establishment by a person under the legal age for consumption of alcoholic liquor”. The legal age for consumption is 21 years.

Wichita City Ordinance/ Sec. 4.16.095(a) also provides that a business licensed as a DE may be suspended by “the Chief of Police, upon five days written notice to the person holding a drinking establishment license or a drinking establishment/restaurant license, shall have the authority to suspend such license for a period of not to exceed thirty days for any of the reasons set forth at Sec 4.16.090(b)(2), which reason does not, in the judgment of the Chief of Police, justify a recommendation of revocation”. Wichita City Ordinance/Sec 4.16.090(b)(2) makes reference to “the licensee, manager, employee or agent has violated any of the provisions of this title or any rule or regulation by the City Council of the city”. An appeal from the Chief’s order to the City Council stays the order of reclassification until the Council resolves the matter.

Analysis: El Farol Rojo Club, located at 1030 South Broadway, has been licensed as a DE since July 30, 2007. On January 14, 2009, Officer Diehl of the Wichita Police Department conducted a club check at the club location. Diehl observed a male who appeared to be underage, inside the club and identified him as Erik Martinez 20 Hispanic Male. Martinez admitted to Diehl that he had consumed one beer while inside the club. Diehl contacted the bartender Enrique Delgado-Ledesma 57 Hispanic Male, who told Diehl that he did not ask Martinez for his identification. Enrique Delgado-Ledesma was issued a Uniform Criminal Complaint for Permit Consumption of Alcohol by Minor 4.16.130 (a). The incident was documented under Wichita Police Department (WPD) case number 09C003443. On February 2, 2009, Enrique Delgado-Ledesma was found guilty in Municipal Court for the charge of Permit Consumption of Alcohol by Minor 4.16.130(a).

This is the second suspension imposed upon El Farol Rojo Club within a one calendar year timeframe. The liquor license held by this business was suspended for a 14-day period on February 23, 2009, for two previous violations.

On March 23, 2009, Wichita Police Chief Williams sent a letter to El Farol Rojo Club license applicant, Gisela Delgado and property owner/ business manager, Nazario Hernandez informing them that their DE was being suspended for fourteen days beginning April 20, 2009 due to failure to comply with Wichita City Ordinance/Sec 4.16.130(a). The owners requested appeal through their attorney.

Financial Consideration: None

Legal Consideration: If the City Council upholds the decision of the Chief, the licensee has the further option of appealing to the district court, pursuant to state statute “in the manner now provided by K.S.A. 41-2708 and any amendments thereto”. Per ordinance such an appeal to the district courts would not stay the order of reclassification.

Goal Impact: Provide a safe and secure environment by enforcing City Ordinances regarding liquor licenses and drinking establishments.

Recommendation/Action: Conduct a hearing of the licensee’s appeal and **issue** an order either upholding or overturning the same.

Attachments: Appeal letter.



O'Hara & O'Hara

Attorneys & Counselors at Law

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Wichita, Kansas 67214
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RECEIVED

MAR 30 '09

CITY CLERK OFFICE

March 30, 2009

Wichita City Council
City Hall
455 North Main
Wichita, Kansas 67202

City Attorney's Office
City Hall
455 North Main
Wichita, Kansas 67202

Chief of Police
City Hall
455 North Main
Wichita, Kansas 67202

City Clerk
City Hall
455 North Main
Wichita, Kansas 67202

Re: El Farol Rojo Club
1030 S. Broadway, Wichita, Kansas

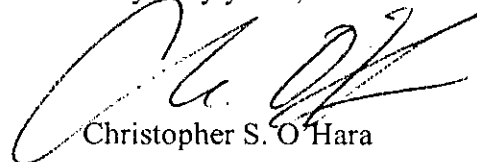
To Whom It May Concern:

I am writing this letter on behalf of Gisela Delgado and Nazario Hernandez regarding the El Farol Rojo Club.

We are requesting an appeal of the Fourteen (14) day suspension granted by Chief of Police Norman Williams on March 23, 2009. We are requesting an appeal to the City Council pursuant to City of Wichita Ordinance No. 4.16.095(d). Further, we ask that the matter be placed on the City Council's agenda as soon as possible.

If anything further is needed from this office please do not hesitate to contact us.

Very truly yours,



Christopher S. O'Hara

Established 1950

T.L. O'Hara (1922-1980) • Charles A. O'Hara • Christopher S. O'Hara • Morgan O'Hara Gering

City of Wichita
City Council Meeting
 May 12, 2009

TO: Mayor and City Council

SUBJECT: Wichita Police Department and Law Department Domestic Violence Process Server Grant.

INITIATED BY: Police Department and Law Department

AGENDA: New Business

Recommendation: Ratify submission of grant application.

Background: The Prosecutor's Office and the Police Department have submitted an application for grant funds to hire off-duty law enforcement officers to personally serve domestic violence subpoenas. The grant is from the State Crime Victims' Assistance Fund, through the Office of the Attorney General of the State of Kansas. Domestic Violence victims are difficult to locate when serving judicial process. Often an offender will intercept the process that is mailed; a victim will move without any forwarding address, or victims will stay with friends or at a shelter without updated contact information. These situations complicate service of a subpoena to appear for trial. The Wichita Police Department and the Prosecutor's Office have developed an internal process for personally serving subpoenas to a portion of victims and witnesses in domestic violence cases, increasing our success. Of this number, there is success in summoning the victims/witnesses for trial. This results in justice being served, as well as allowing victims to access services at this stage of the proceedings. This grant opportunity would allow an increased number of domestic violence cases to have personal service of subpoenas.

Based on administrative policy, grant applications should be approved by the City Council prior to submission, but the grant had a very short turnaround time, requiring applications be submitted by April 27, 2009. Under City Administrative Regulation 2.4, the City Manager waived the provision for formal Council approval prior to the submittal of the grant application where delay would invalidate the \$144,733 grant application.

Analysis: The Kansas Attorney General's Office, State Crime Victims' Assistance Fund, is offering this grant opportunity for new or existing programs to offer or enhance victim services in the State of Kansas. The application submitted would enhance process service to victims/witnesses of domestic violence.

Financial Considerations: The grant request is for \$145,950 over a two year period, with a minimum 25% match. The grant proposal anticipates the 25% match be derived from vehicle expenses and computer charges necessary for such a program, paid from the Wichita Police Department budget.

Funding Source		FY2010	FY2011	Total
Grant Funding	Process Server	71,440	74,510	145,950
WPD contributions	IT/IS Charges	2,290	2,290	4,580
	Fleet Charges	17,710	17,710	35,420
		\$91,440	\$94,510	\$185,950

Goal Impact: Provide a safe and secure community by placing an emphasis on reducing domestic violence offenses by notification and summons of those victims/witnesses who currently have an undocumented notice for appearance in domestic violence prosecutions, and allowing victims of domestic violence to access victim services at the adjudicatory stage of the judicial process.

Legal Considerations: Law Department has reviewed the grant application.

Recommendations/Actions: It is recommended the City Council ratify the grant application.

Attachments: Text from grant submission.

PROJECT NARRATIVE:

Prior Accomplishments:

From January 1, 2008 through December 31, 2008, the City of Wichita filed 3,976 domestic violence cases involving 4,199 victims. The City of Wichita Prosecutor's office has an extensive history of collaboration with other departments and agencies to effectively prosecute domestic violence cases and match the victims of these crimes with the services they need. Currently, the City of Wichita segregates domestic violence cases from all other criminal and traffic matters. This allows the Prosecutor's office to address the specific needs of victims of domestic violence by employing prosecution techniques aimed at reducing recidivism, breaking the cycle of domestic violence, and promoting victim safety.

The City of Wichita is currently partnered with Kansas Legal Services, the YWCA of Wichita, and Catholic Charities Harbor House to provide victim services. Kansas Legal Services holds a contract to provide a Victim Advocate at all domestic violence trial dockets. The Advocate briefs all present victims on the trial process and ensures that the victim is allowed his or her chance to give the court input regarding sentencing. The Victim Advocate also provides information to all victims regarding applications for Protection from Abuse orders and assistance with divorce and child custody issues. The YWCA and Catholic Charities Harbor House work with the City of Wichita to provide immediate contact with victims of domestic violence before, and after the trial process. Representatives from those agencies appear in court and work with the Prosecutors and Victim Advocate to identify high risk/high need victims and offer services.

Problem Statement and Needs Assessment:

In 2008, the City of Wichita filed 3,976 domestic violence cases. There were 4,199 victims in those cases. In 90 percent of those cases, victims were notified of court dates and served subpoenas to attend those court dates by first class mail. If the victim did not appear, a continuance would most likely be granted, to allow for an attempt to find an address for service. In cases of severe injury or chronic abusers, an officer was requested to personally attempt service. Ultimately, many of those cases had to be dismissed for lack of a witness and insufficient evidence to prosecute without the appearance of a witness.

We found that many victims did not receive notice of the trial, as their mailed subpoena had been intercepted by the abuser or tampered with by family members. Additionally, victims relocated without providing a new address. Most disturbing, many defense attorneys were possibly telling their clients to inform the victim that they did not have to appear by subpoena mailed to their address, since no proof of service existed. These circumstances present a major obstacle in the prosecution of domestic violence cases, because victims who are otherwise willing to participate in the prosecution of their abuser are unaware of court dates and trial settings.

Since 2004, the City of Wichita Prosecutor's Office and the Wichita Police Department (WPD) have collaborated to provide personal service of subpoenas for the remaining 10 percent of domestic violence cases set for trial. A prosecutor reviews the upcoming trial settings, and based upon the criteria of seriousness of injury, gang affiliation, chronic abuser, or severe criminal history, selects the ten percent of cases which receive the personal service attempts. Subpoenas are prepared and sent to the WPD substations. Patrol officers then attempt to serve the subpoenas when they are not responding to calls for assistance or other police activities that take precedent. If their call loads are too high, then the subpoenas do not get served at all, and we are left with service by first class mail.

	2007	2008
Domestic Violence Cases Filed	4573	3976
Total Prosecutions which Resulted in Convictions	1387	1330
Total Overall Conviction Rate	30.3%	33.5%
National Average Conviction Rate in DV Cases	22%	22%
Cases in which Personal Service was Obtained on the Victim	205	383
Prosecutions w/ Personal Service which Resulted in Guilty Findings	116	182
Personal Service Conviction Rate	56.5%	47.2%

Our ability to hold offenders accountable is greatly improved by the ability to provide personal service on the victims of domestic violence. The data from the last two calendar years shows that personal service on victims of domestic violence raises our conviction rate considerably. Getting a victim to court and involved in the process not only ensures that the court can hold the offender accountable, but it also allows our partner agencies a chance to interact with the victim and provide needed services.

With the award of grant funding, the City of Wichita will hire off-duty WPD law enforcement officers to devote approximately 24 hours per week to service of domestic violence subpoenas. The personal service shifts will be blocked in 4-hour time increments, six times per week. When the officer reports for process duty, the officer will be given the subpoenas for domestic violence cases set for trial within the following two week period. These subpoenas will include those that have been attempted, but there has been no successful service as of that time. The law enforcement officer is expected to search electronic data to find locations of victims/witnesses that apparently have incorrect address information. The law enforcement officer will attempt to serve as many subpoenas as the process server shift allows. Returns on all served subpoenas shall be sent to the Court and the Prosecutor's Office. The Prosecutor's Office will maintain a log of various data including: cases where personal service occurred; the number of service attempts by each process server by shift; and disposition of the case.

The WPD will provide funding for police vehicles, insurance, maintenance, and fuel. The WPD will also provide funding to pay for computer access charges. This will constitute the

match funding required, should we receive grant funding. The cost of an unmarked police patrol vehicle (Ford Crown Victoria) 24 hours per week for 52 weeks is approximately \$17,710, including fuel, insurance, and maintenance. Computer and necessary computer access charges total \$2,290 based on 24 hours per week, 52 weeks per year. The total contribution from the Wichita Police Department is \$20,000 per year. Costs are based on Fiscal Year 2010 rates, and will likely increase in 2011. No increase is included in the figures for FY2011 listed below because any increase is undetermined at this time.

The WPD will continue to donate time to serve 10 percent of the subpoenas issued in domestic violence cases. Should grant funding be awarded, an additional 40 percent of domestic violence cases would have personal service of subpoenas to victims/witnesses. This would increase the number from 10 percent currently, to 50 percent after grant funding. With a 47.2 percent conviction rate for the 10 percent currently being personally served, the overall conviction rate for domestic violence offenders should show a dramatic increase. In February 2008, the Bureau of Justice Statistics released a report regarding State Court processing of Domestic Violence Cases. That report took a sample of domestic violence cases from 15 counties in 8 states. The report showed a conviction rate of 22% for misdemeanor domestic violence cases. Clearly, personal service of subpoenas a positive impact on conviction rates in domestic violence cases. This translates into feelings of empowerment for victims. Empowerment allows victims a feeling of security, safety, and the determination to access services to provide a better life, free of abuse.

Proposed Grant Project Goal(s) and Objective(S):

Goal: Expanding units of law enforcement officers by hiring process servers specifically targeted at obtaining personal service for subpoenas issued to victims of domestic violence in the City of Wichita's Municipal Court.

	Objective	Activities - Tasks	Person Responsible	Time Frame
1	Off duty police officers will be hired. (Process)	Signup sheets for officers to work off duty will be posted	Program Director	May 1, 2009 – April 30, 2011
2	Off duty officers will obtain current residential and work contact information for victims/witnesses (Process)	Research current addresses using City of Wichita information and any other available resources.	Off duty officer	May 1, 2009 – April 30, 2011
3	The off duty officers will obtain personal service of subpoenas. (Process)	Provide personal service of subpoenas to domestic violence victims.	Off duty officer	May 1, 2009 – April 30, 2011
4	Victim attendance will increase by 40%. (Outcome)	Victims appear for trial settings	Domestic Violence Prosecutor	May 1, 2009 – April 30, 2011

Proposed Grant Project Monitoring, Evaluation and Determining Results:Project Monitoring

The proposed grant project will be monitored by the WPD and the City of Wichita Prosecutor's office.

The Prosecutor's office will increase the personal service cases by 40%, taking into consideration, nature of injuries, prior abusive behavior, gang affiliation, propensity of increased violence in the home, and prior unsuccessful attempts at service. The Prosecutor's office will monitor the number of subpoenas issued, the number of subpoenas successfully served, the number of victim/witnesses who appear in court, and the percentage of successful prosecutions.

The WPD will monitor the shift staffing, the activity of officers filling the designated shifts, and the attempts at service, whether successful or not. A log will be maintained outlining the individual shifts, and the officer's activities during this special shift.

Project Evaluation

The criteria for evaluating the effectiveness of the proposed grant project will be an increase in the percentage of subpoenas successfully served, an increase in the percentage of victims who appear in court and an increase in the percentage of successful prosecutions. The goal of the grant project is a 40% increase in personal service of subpoenas, and an increase in conviction rate. The result of an increase in personal service of subpoenas is the increase in the number of victims that participate in the prosecution of their abusers. By coming to court, these victims get immediate access to victim's services through our partner agencies. The other goal of the grant, while difficult to measure is to empower victims, provide safety and security in domestic violence victims' lives, and to access services at the time of trial.

Proposed Grant Project Staffing Patterns:

Off duty WPD officers will be hired to work 24 hours per week. The 24 hour week will be divided into shifts. These shifts will consist of two 4-hour shifts per day, three days per week. The personal service officer will be supervised by Wichita Police Department.

Coordinated Community Response Information:

The City of Wichita Prosecutor's office strives to work with agencies at both the local and state level to address the issue of domestic violence. This includes working with local agencies in the Wichita Sedgwick County Domestic Violence Sexual Assault Coalition. A representative from the City of Wichita Prosecutor's office is active in many of committees and subcommittees of the coalition as well as serving on its Board of Directors. The mission of the Wichita/Sedgwick County Domestic Violence Coalition is to act as a catalyst in promoting healthy, non-violent relationships by encouraging the elimination of domestic violence through public education, victim advocacy, family safety, and treatment and offender accountability. On the state level, the City of Wichita Prosecutor's office participates as a member of the Governor's Grant to Encourage Arrest Program prosecution subcommittee.

The City of Wichita has partnered with Catholic Charities Harbor House and the YWCA to provide immediate contact with victims of domestic violence to help them obtain the services

that they need. With the funding from the proposed grant, there would simply be more victims involved in the court process and therefore more contact between the victims and these victim service agencies.

The City of Wichita Prosecutor's office also works closely with the WPD in the prosecution of the perpetrators of domestic violence. In addition to the standard investigative role played by a law enforcement agency, the WPD currently works with the Prosecutor's office in attempting personal service on 10 percent of the subpoenas issued on domestic violence cases.

Contact: Lt. Troy Livingston (316) 268-4137 WPD Sex Crimes Section

Underserved Populations:

Domestic Violence victims consist of people from all races, ages, sexual orientation, religion, and socio-economic status. We note that fact within our domestic violence cases arising in the City of Wichita. Domestic violence victims experience a range of abuse, from first-time abusers committing the crimes associated with domestic violence, to experienced abusers, with multiple victims or perpetrating serious injury.

Currently, only 10% of our domestic violence victims are being served or attempted service with subpoenas by personal service. That leaves approximately 90% of domestic violence victims, with cases set for trial, whose only service of process is by mailing. While we concentrate on violent abuse, past history of violence, and gang connections to personally serve the 10%, the remaining 90% remain underserved. While there is a good response to mailing, personal service of subpoenas would underscore the importance of appearing for court, participating in the process, and empowering the victim of domestic violence, obtaining necessary services at this point in the process. Personal service also takes the burden off of the victim as to the decision of whether or not to appear for trial.

Dissemination of Crime Victim's Rights Information:

Currently, every victim of domestic violence receives a copy of the Kansas Victims' Bill of Rights from a law enforcement officer taking a report of domestic violence on scene of the incident. Victims of domestic violence that have contact with the Prosecutor's office will speak with a victim advocate who maintains this document and is familiar with this information.

Statement of Non-Duplication of Proposed Grant Project:

The services provided as part of this grant project will involve dedicated officers researching and serving subpoenas to victims of domestic violence. There is no grant funding or other program which currently exists within the Wichita Municipal system for the dedicated personal service of subpoenas to domestic violence victims/witnesses.

Civil Rights Contact Information:

Jeanne Goodvin, City Manager's Office
 City of Wichita
 455 N. Main
 Wichita, Ks. 67202

DUNS Number and Current CRR:**Current Audit Report Information:****CURRENT AND NEXT FISCAL YEAR AGENCY BUDGETS**

Current: not applicable, new program

Next Fiscal Year Budget

Income FY2010

SOURCE	AMOUNT	STATUS	DATE
Wichita Police Department	20,000	Committed	7/09
Recovery VAWA-GOV	71,440	Requested	4/09
Total Agency Income	\$91,440		

Expenses FY2010

Category		Total
PERSONNEL	Process Server	71,440
EQUIPMENT	Computer Access	2,290
CONTRACTUAL SERVICES	Car Rental	17,710
		\$91,440

Income FY2011

SOURCE	AMOUNT	STATUS	DATE
Wichita Police Department	20,000	Committed	7/09
Recovery VAWA-GOV	74,510	Requested	4/09
Total Agency Income	\$94,510		

Expenses FY2011

Category		Total
PERSONEL	Process Server	74,510
EQUIPMENT	Computer Access	2,290
CONTRACTUAL SERVICES	Car Rental	17,710
		\$94,510

PROOF OF 501(C) STATUS

Not Applicable

SECRETARY OF STATE REGISTRATION

Not Applicable

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIRMENTS

(Get Form and Sign)

LETTER REGARDING CONSULTATION

(Letter from DV Coalition)

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Special Assessment Financing Program for Façade Improvements – program modifications

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendations: Approve the program modifications.

Background: In 2001, the City Council authorized the implementation of the Façade Improvement Program, on a pilot project basis focusing initially on buildings located on Douglas Avenue between Washington and Seneca. The Façade Improvement Program is designed to provide low-cost loans to enhance the visual aesthetics in targeted areas and provide an incentive for businesses to improve their property. The program provides low interest, fifteen-year loans for facade renovation for owners and tenants of buildings in the targeted areas. City assistance is in the form of a five-year forgivable loan, originally up to \$15,000 per visible facade for a maximum of two building sides, or 25% of the project cost, whichever is lower. The owner can finance the remainder of the project cost through 15-year special assessments at the City's cost of funds. The owner must sign a special assessment petition and a facade easement in favor of the City for the term of the special assessment and agree to maintain the facade.

In 2003, the Façade Program was modified to allow the program to be used for high-rise buildings in the targeted area. High-rise buildings must be 4 stories or more in height. High-rise façade projects are not eligible for forgivable loans, but more than two facades can be included in the façade project if they are readily visible from the street. The project has to include significant private investment (other than the façade loan) in an amount equal to or greater than the amount financed by the Façade Improvement Program within twelve months of the date the façade loan is approved.

In 2006, recognizing that the Douglas Avenue pilot project had been a success, the City Council approved the expansion of the program to include buildings located on arterial streets in selected commercial corridors and adopted neighborhood plan areas. The targeted areas included in the expansion are listed in the attached "Façade Improvement Program Policy and Procedures." In addition, the forgivable loan amount for a mid-block façade was reduced to \$10,000. Corner buildings are still eligible for forgivable loans of \$15,000 per façade for two facades.

In 2008, the City Council approved as a special project the use of the Façade Program for extensive improvements to the facades of seven downtown buildings being redeveloped by Real Development. As a result of dealing with the details and differences encountered with the Real Development façade project, it became apparent that several changes were needed in the Façade Improvement Program to reflect the higher level of analysis and due diligence required for larger façade projects. In the course of reviewing the policy and procedures a number of additional refinements were identified, as explained below.

Analysis: The policy and procedures that govern the Façade Improvement Program are contained in a document that also serves as a handout to building owners seeking information on the program. A copy of this document is attached to this agenda report, with proposed changes marked in red. The changes are summarized below.

Matching private investment requirement: Changes to the program in 2003 require a significant private investment for higher cost façade projects on high-rise buildings, in an amount that at least matched the amount financed by the Façade Program (the “façade loan”), to ensure that improvements to the building go beyond the façade. In the proposed program modifications, this requirement is extended to all façade projects, regardless of size, and the property owner is required to provide proof that the private investment will be made.

Financial needs analysis: The proposed program modifications include a requirement that the property owner submit detailed financial information, in the form of sources and uses of funds and pro forma cash flows and any other information that will allow a determination that the project cannot be completed without using the City’s Façade Program. This analysis would take into account the availability of conventional debt and equity financing and a reasonable return on investment (ROI).

Taxable vs. tax-exempt bonds: Generally, façade improvements do not qualify for tax-exempt bond financing under the federal tax code. A *de minimus* rule in the code allows up to 5% of a tax-exempt bond issue be used for non-exempt costs. The City has used this allowance to finance façade projects with tax-exempt bonds, but only when the City’s *de minimus* capacity allows. The proposed program modifications require projects over \$500,000 to be financed with taxable special assessment bonds; projects less than \$500,000 may be financed with tax-exempt bonds, but only within the City’s legal capacity to do so.

Maximum assessment ordinance: The Real Development façade project revealed the need to further secure the City’s investment through the special assessment process by fully completing the authorization process prior to start of construction, thus eliminating the possibility that ownership changes could derail the process by submitting a valid protest petition. By holding a public hearing and adopting a maximum assessment ordinance prior to construction, this is avoided. A 10% contingency amount is added to the cost estimate, along with a 2% engineering administrative fee, construction period interest and financing costs, to arrive at the maximum assessment amount. For projects over \$500,000, the finance costs include a bond reserve equal to one year’s debt service, which will be used to pay the final year’s assessment.

15 vs. 20-year assessments: The general policy is to use 15-year special assessment bonds for all façade projects. Since the special-case Real Development façade project included 20-year assessments for some buildings, staff recommends that any future requests for 20-year assessments be based on a financial needs analysis and be reviewed by the Development Coordinating Committee.

Eligible/ineligible improvements: The proposed program modifications include amendments to the lists of items that are eligible and ineligible for façade program funding. Certain portable, non-permanent items are removed from the eligible list, including planter boxes, street furniture and letter bins. In the ineligible list, the item pertaining to temporary improvements adds the clarification of having a useful life less than the term of the Façade Loan. Also added to the ineligible list are developer fees and project management fees.

Disbursement procedures: Disbursement procedures are added to guide City staff and building owners with the process of making progress payments from façade loan proceeds. Owners are required to submit detailed invoices from project participants and use American Institute of Architects (AIA) payment request forms for construction draws, including lien waivers and sufficient documentation to show that expenses were actually incurred and the draw-down against the original project budget. Owners are required to pay project participants within 30 days of receiving City payments.

Other changes: Other changes are proposed for the Façade Program policy document, many of them to better organize the document and some for technical issues and to improve the process, such as:

- Based on legal advice, the forgivable loan is recast as a grant, subject to recapture if the owner fails to maintain the façade during the term of the Façade Loan.
- The requirement for project completion within 180 days was modified to allow phasing to be approved by the City. A construction schedule is required.
- Verification of property ownership is required to ensure all owners sign the petition.
- For façade projects over \$500,000, building owners are required to provide a current, “as-is” appraisal. Bank appraisals may be used. Cost of a separate appraisal may be financed by the façade loan.
- The City will conduct a background check on all applicants.

Financial Considerations: There are no financial impacts to the City resulting from the proposed modifications to the Façade Improvement Program policies and procedures.

Goal Impact: The goals addressed by this program include Economic Vitality and Affordable Living, Quality of Life and Core Area and Neighborhoods by 1) adding to the value of the tax base, 2) redeveloping an underutilized downtown property and 3) providing additional housing options in the core area.

Legal Considerations: The modification of this program is a policy issue for the City Council.

Recommendations/Actions: It is recommended that the City Council approve the proposed modifications to the Façade Improvement Program policies and procedures.

Attachments: Revised Façade Improvement Program Policies and Procedures (revisions marked)



FACADE IMPROVEMENT PROGRAM



PROGRAM POLICIES AND PROCEDURES

Summary

The Facade Improvement Program is designed to enhance the visual aesthetics of Wichita's downtown and revitalization areas and provide an incentive for businesses to invest in redevelopment of their property. Very low cost loan financing combined with a forgiveness provision for a portion of the loan (for non-high-rise buildings) makes an attractive financing package for owners or tenants seeking to renovate or restore building facades. Borrowers under this program are expected to match the City's financing package with other funding for the overall redevelopment project.

What is the Facade Improvement Program?

The program provides very low cost financing (based on market conditions) over a fifteen-year period to renovate or restore a visible facade. For non high-rise buildings, the City assistance also includes a grant equal to 25% of the project cost, subject to recapture (as liquidated damages) if the owner fails to maintain the facade during the term of the facade financing. The maximum City of Wichita assistance (grant) is \$10,000 (or 25% of the total project cost, whichever is lower) for one facade. Up to \$30,000 (or 25% of total project costs, whichever is lower) is available for a corner building with two visible facades. The balance of the City's financing package (up to 75% of the facade improvement costs) will be made available through a fifteen-year special assessment against the real property. The property owner must sign the special assessment petition and the facade easement conveying the facade to the City of Wichita during the term of the special assessment financing. When the loan is repaid, the facade easement will be released.

High-Rise Building Requirements

- The high-rise facility must be more than three stories in height.
- No forgivable loan will be permitted for high-rise buildings or facade projects over \$500,000
- Assistance beyond two sides of the building may be approved if circumstances warrant.
-

Who can apply for financing?

Any building owner or tenant with lease authority and approval of the owner may apply for facade funding. The building must be **located within approved areas** (see map). Owner or tenants cannot be delinquent on any current City charges, taxes or assessments or have defaulted on any previous City assistance. Owner must provide evidence of additional private investment in the redevelopment of the property, equal to or greater than the amount of City facade funding. Private investment may include the cost of consolidating land ownership.

What is the target area?

Buildings with frontages on arterial streets in select commercial corridors and adopted neighborhood plan areas are eligible. Those neighborhoods include:

- Downtown Self-Supporting Municipal Improvement District (SSMID)
- Arena Neighborhood Redevelopment Plan
- Center City
- Delano Neighborhood Revitalization Plan
- 21st St. North Corridor Redevelopment (International Marketplace)
- South Central Neighborhood Plan (South Broadway area)
- Historic Midtown Neighborhood Plan
- McAdams Neighborhood Revitalization Plan
- Central Northeast Area Plan

The City Council will also have the option for a case-by-case review of individual blighted properties located outside of the target areas.

What types of improvements are eligible? (subject to City approval)

Masonry repairs and tuckpointing
Repair/replace/preserve historically significant architectural details
Storefront reconstruction back to original basis
Cornice repair
Power washing (subject to approval by historic preservation officer)
Exterior painting and stucco
Awnings and canopies
Window and door repair or replacement
Permanent exterior signage integrated into the storefront design
Exterior lighting
Repair/replacement of gutters and downspouts
Facade building code items
Visible roof repairs in conjunction with structural improvements
Public art attached to the building (such as murals)
Utility/trash enclosures attached to the building
Sidewalks
Decorative fencing attached to the building
Decking and stairs attached to the building
Architectural, engineering or design fees
Conversion of use on a case by case basis

What items are not eligible?

Generally (but not exclusively), the following items are not eligible for façade loan financing:

Landscaping
Non-visible roofing
Attached, hanging or projecting signs unrelated to the architecture of the building
Mechanical equipment enclosures (non-visible)
Parking lots
Billboards
Interior renovation
Temporary, portable or non-permanent improvements (useful life less than term of façade loan)
Non-visible or side façade (unless on an arterial street) and rear facades
New construction
Property acquisition
Expansion of building area
Working capital
Developer fees
Project management fees
Refinance of existing debt
Improvements in progress or completed prior to loan/grant approval

Loans for speculative purposes
Single family residential properties

Are there any design guidelines?

All Facade Improvement Program projects must be reviewed and approved by representatives of the Historic Preservation Board and the City Design Council prior to approval of the loan or issuance of a building permit. Where historic structures are involved, review by the Historic Preservation Board is required prior to start of construction. This includes properties located within a historic district and any property within 500 feet of a listed historic property (environs). All construction must comply with City code. All construction must conform to the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG).

What other requirements are there?

- All work must be accomplished using private contractors through competitive bidding from at least three qualified companies pre-approved by the City of Wichita.
- Requires the use of professional design assistance (including providing elevations and renderings).
- Project must result in visible improvement of overall facade (e.g. not just sign replacement). Borrower agrees to maintain the facade for the term of the façade loan.
- Façade loans will be offered on a one-time basis unless a phased project receives prior City Council approval.
- Owner shall convey a facade easement to the City of Wichita before the start of construction, which shall run for the full term of the façade loan. Ownership verification is required.
- All approved projects must be completed within six months (180 days) of approval of the application, unless approved for phasing. A construction schedule is required for high-rise projects and façade loans over \$500,000.
- The City will conduct a background check on all applicants and applicants' project partners.
- Owner shall provide financial information that substantiates the need for the City's façade loan in order to complete the redevelopment project, including the overall sources and uses of funds and pro forma cash flow analysis that shows a reasonable return on owner's investment.
- The overall redevelopment project must include significant private investment (other than the facade loan) in an amount equal to or greater than the amount financed by the Facade Improvement Program, proof of which must be provided prior to disbursement of any façade loan proceeds.
- Special assessment financing of façade loans shall be for a 15-year term unless 20-year financing is recommended by the Development Coordinating Committee, based on financial need.
- Special assessment financing for façade loans over \$500,000 requires the use of taxable bonds, whose interest rate will be higher than tax-exempt bonds. Use of tax-exempt bonds for façade loans less than \$500,000 depends on the City's legal capacity to issue tax-exempt bonds for non-exempt projects.
- A current independent appraisal is required for high-rise buildings and façade loans over \$500,000. A bank appraisal associated with private investment may be used. Cost of a separate appraisal may be financed with the façade loan.

Loan proceeds for façade loans over \$500,000 will be disbursed to the borrowers as progress payments pursuant to detailed invoices from project participants, with use of AIA payment request forms for construction draws, including lien releases and sufficient documentation to show expenses were actually incurred and the draw-down against original project budget.

[Project participants must be paid within 30 days of payment by the City.](#)

Where do I apply? Applications are available in the Department of Public Works, Engineering Office, 7th Floor, City Hall, 455 North Main. The program coordinator is Bill Morris, Administrative Services, (316) 268- 4548, and wmorris@wichita.gov. Application forms are also available online at the City of Wichita web site: www.wichitagov.org on the Urban Development webpage.

What is the process?

- Step 1:** Meet with appropriate City staff to review the preliminary design, expected time lines and next steps. This may include the Department of Public Works, Office of Central Inspection and the Metropolitan Area Planning Department.
- Step 2:** Finalize the renovation plans. This step should include consultation with an architect or engineer to discuss improvements and alterations to the building exterior.
- Step 3:** Obtain a complete preliminary cost estimate from a licensed contractor which covers the work to be accomplished. Cost estimate shall be a not-to-exceed amount and may include a 10% contingency. City will add a 2% Engineering Administrative Fee and financing costs, including construction interest and costs of bond issuance. For façade loans over \$500,000, a debt service reserve equal to one year's debt service will be added to the loan amount (reserve will be held in trust by the City and used to pay final year's special assessment payment).
- Step 4:** Submit a completed Facade Improvement Program application form to: Bill Morris, Administrative Services, Department of Public Works, 7th Floor, City Hall, 455 North Main, Wichita, Kansas 67202. Include a completed Facade Easement form with application.
- Step 5:** City formally reviews the application and performs background checks on applicant(s). Approvals required by representatives of the Public Works Department, Office of Urban Development, City Design Council, Department of Finance and Historic Preservation Board (as appropriate).
- Step 6:** Approval by City Council by means of a maximum assessment ordinance.
- Step 7:** Public Works notifies the applicant of approval and any pertinent requirements. The applicant has six months (180 days) from the date of application approval to complete the project. If there is no activity during this time, the application approval will expire and any City funding will be released for other applications.
- Step 8:** Initiate competitive bidding for facade work. Obtain building permit and planning permits (as applicable). Submit copies of permit and competitive bidding to Bill Morris in Public Works. Applicant commences improvements.
- Step 9:** Applicant submits construction progress payment to the Department of Public Works. If the progress payment is approved, the City will pay the progress payment to the applicant within 20 days of approval.
- Step 10:** Applicant submits proof of final expenses to Bill Morris in Public Works. Public Works processes applicant final reimbursement and issues a Statement of Final Project Cost.
- Step 11:** Special Assessment payments will appear on the Sedgwick County Property Tax Statements starting with the next tax statement (following year).

Are there companion programs that I may also be eligible for?

Applicants may wish to review the following programs:

NRA Tax Rebate Program	Urban Development Office 13 th Floor City Hall 455 North Main Wichita, Kansas 67202 (316) 268-4524 Diana Mefford, Secretary dmefford@wichita.gov
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Revised 05/12/09

State and Federal Rehabilitation Tax Credits	Kansas State Historical Society 6425 SW Sixth Avenue Topeka, Kansas 66615-1099 (785) 272-8681 ext. 226 Katrina Klingaman kklingaman@kshs.org
Building Permit Fee Waiver	Office of Central Inspection 7 th Floor City Hall 455 North Main Wichita, Kansas 67202 (316) 268-4460 Kurt Schroeder, Superintendent kschroeder@wichita.gov
Historic Revolving Loan Program	Preservation Office 10 th Floor City Hall 455 North Main Wichita, Kansas 67202 (316) 268-4392 Cathy Morgan, Senior Planner-Historic Preservation kmorgan@wichita.gov
Asbestos/Lead-based Paint Mitigation Program	Development Assistance Office 13 th Floor City Hall 455 North Main Wichita, Kansas 67202 (316) 268-4371 Terry Cassady, Development Assistance Director tcassady@wichita.gov

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Special Assessment Financing Program for Asbestos and Lead Paint Management – program modifications

INITIATED BY: Office of Urban Development

AGENDA: New Business

Recommendations: Approve the program modifications.

Background: During the 1996 legislative session, House Bill 2923 was passed which permits the use of special assessment financing to pay for the abatement of asbestos and lead-based paint in privately owned buildings. The City sought this legislative authority to provide incentives, alternatives, and affordable means for building owners to deal with hazardous materials so that their existence does not impede the redevelopment of privately-owned commercial and industrial buildings in Wichita.

On August 27, 1996, the City Council adopted a resolution authorizing the use of special assessment financing for management of asbestos and lead-based paint per KSA 12-6a01 and KSA 12-6a02. By using special assessment financing, the cost of the abatement of the hazardous materials is paid up front and repaid by the property owner over a 15-year period. To secure the City's financing, a special assessment lien is placed on the real property.

City staff has recently received the first application for the use of the program. The legal procedure for approving an asbestos/lead-based paint management project and authorizing the use of special assessments to finance the project is very similar to that of the Façade Improvement Program. It is therefore proposed to modify the Asbestos/Lead Paint Management Program to conform generally to the policies and procedures of the Façade Improvement Program.

Analysis: The policy and procedures that govern the Asbestos/Lead Paint Program are contained in a brochure that also serves as a handout to building owners seeking information on the program. A copy of this document is attached to this agenda report. The proposed changes, summarized below, will be added to the brochure if approved.

Matching private investment requirement: A significant private investment is required, in an amount that at least matches the amount financed by the Asbestos/Lead Paint Program (the "asbestos loan"), to ensure that improvements to the building go beyond asbestos or lead-based paint abatement. The property owner is required to provide proof that the private investment will be made.

Financial needs analysis: The proposed program modifications include a requirement that the owner submit detailed financial information, in the form of sources and uses of funds and pro forma cash flows for the overall renovation project, and any other information needed to determine that the project cannot be completed without using the City's Asbestos/Lead Paint Program. This analysis takes into account the availability of conventional debt and equity financing and a reasonable return on investment (ROI).

Taxable vs. tax-exempt bonds: Generally, improvements to a private building, including asbestos or lead-based paint removal, do not qualify for tax-exempt bond financing under the federal tax code. A *de*

minus rule in the code allows up to 5% of a tax-exempt bond issue be used for non-exempt costs. The proposed program modifications require projects over \$500,000 to be financed with taxable special assessment bonds; projects less than \$500,000 may be financed with tax-exempt bonds, but only within the City's legal capacity to do so.

Maximum assessment ordinance: In order to secure the City's position in the special assessment process against the possibility that ownership changes could derail the process by submitting a valid protest petition, the authorization process should be fully completed prior to start of construction. By holding a public hearing and adopting a maximum assessment ordinance prior to construction, this exposure is avoided. A 10% contingency amount is added to the cost estimate, along with a 2% engineering administrative fee, construction period interest and financing costs, to arrive at the maximum assessment amount. For projects over \$500,000, the finance costs include a bond reserve equal to one year's debt service, which will be used to pay the final year's assessment.

15 vs. 20-year assessments: The general policy is to use 15-year special assessment bonds for all façade projects. Staff recommends that any requests for 20-year assessments be based on a financial needs analysis and be reviewed by the Development Coordinating Committee.

Ineligible project costs: In the proposed program modifications, developer fees and project management fees are not allowed.

Disbursement procedures: Disbursement procedures are added to guide City staff and building owners with the process of making progress payments from asbestos loan proceeds. Owners are required to submit detailed invoices from project participants and use American Institute of Architects (AIA) payment request forms for construction draws, including lien waivers and sufficient documentation to show that expenses were actually incurred and the draw-down against the original project budget. Owners are required to pay project participants within 30 days of receiving City payments.

Other changes: Other changes are proposed for the Asbestos/Lead Paint Program policy and procedures, many of them for technical issues and to improve the process, such as:

- Verification of property ownership is required to ensure all owners sign the petition.
- For asbestos loans over \$500,000, building owners are required to provide a current, "as-is" appraisal. Bank appraisals may be used. Cost of a separate appraisal may be financed by the asbestos loan.
- The City will conduct a background check on all applicants.

Financial Considerations: There are no financial impacts to the City resulting from the proposed modifications to the Asbestos/Lead Paint Program policies and procedures.

Goal Impact: The goals addressed by this program include Economic Vitality and Affordable Living, Quality of Life and Core Area and Neighborhoods by 1) adding to the value of the tax base, 2) redeveloping an underutilized downtown property and 3) providing additional housing options in the core area.

Legal Considerations: The modification of this program is a policy issue for the City Council.

Recommendations/Actions: It is recommended that the City Council approve the proposed modifications to the Asbestos/Lead Paint Program policies and procedures.

Attachments: Original program description brochure.

*...Provides
Incentives for
Redevelopment
of Wichita
Buildings.*

City of Wichita

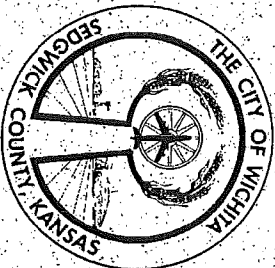
Development Assistance Center

City Hall, 13th Floor

455 N. Main

Wichita, KS 67202

*Special
Assessment
Financing for
Asbestos and
Lead Paint
Management...*



During the 1996 legislative session, House Bill 2923 was passed which permits the use of special assessment financing to pay for the management of asbestos and lead-based paint in privately owned commercial buildings. The City sought this legislative authority to provide incentives, alternatives and affordable means for building owners to deal with these hazardous materials so that their existence does not impede the redevelopment of Wichita buildings.

By using special assessment financing, a property owner can have the City pay for the abatement of the hazardous materials up-front, and repay the City over a 15-year period in annual or semi-annual installments based on interest rates that reflect the City's very strong credit. To secure the City's financing, a special assessment lien is placed on the real property.

The following information is provided to assist you with this process.

Following are the steps in the process of establishing a benefit district for the project:

- ▶ The owner(s) of the property and building contact(s) the Development Assistance Center to provide notification of their intent to use special assessment financing for abatement of asbestos and/or lead-based paint. A certificate of ownership must also be provided.
- ▶ The property/building owner(s) are required to hire an Asbestos Hazard Emergency Response Act (AHERA) certified inspector to do an initial assessment of the quantities of asbestos, prepare abatement specifications/requirements and provide an estimate of the cleanup costs. The building owner contracts with a KDHE licensed Asbestos Control contractor to have

the asbestos abated, and/or with a lead-based paint abatement contractor who follows Environmental Protection Agency and/or Housing and Urban Development Lead-Based Paint Assessment Protocol.

- ▶ After receiving the survey results, the owner contacts City Engineering (268-4548) to request a petition for the creation of a special benefit district.

- ▶ After City Engineering receives the completed, signed petition from the landowner, the City Council authorizes a resolution to establish a special benefit district.

- ▶ Upon completion of the work, the contractor submits to City Engineering a statement of costs and certified documentation that the work has been done in accordance with all applicable requirements and that all payments have been made to suppliers and subcontractors. The owner must employ a certified inspector to inspect the project after the cleanup and provide certification that all asbestos and/or lead-based paint has been abated or managed.

- ▶ Payment is made by the City to the owner and the costs are special assessed to the landowner.

- ▶ City Engineering prepares a Statement of Final Costs, including City administrative costs, that is presented to the City Council for approval.

- ▶ Either at the same meeting or successive meetings, the City Council receives the proposed assessment roll, orders a public hearing, holds the public hearing and adopts the assessment ordinance which levies the

assessment against the owner's property.

- ▶ Upon final adoption of the assessment ordinance, a statement of assessment is mailed to the owner which indicates the principal amount of the assessment.

- ▶ After observing a 30-day pay-in period, during which the owner can pay the principal amount in whole, the City sells 15-year general obligation bonds to permanently finance the project, based on the Statement of Cost.

- ▶ Using the interest rate obtained on the bonds to determine the amount of the annual installments, the City spreads the assessment payments on the County tax roll.

- ▶ Each year thereafter, the City certifies to the County that the payments are due and owing and the County Treasurer includes the assessment on the tax bill mailed to the owner each November.

- ▶ The owner may pay each year's assessment in whole by each December 20, or pay half then and the other half by the following June 20.

This special financing option is being facilitated through the Development Assistance Center of the City Manager's Office. Please call 268-4371 for assistance or additional information.

Agenda Item No. III-5.

**City of Wichita
City Council Meeting
May 12, 2009**

To: Mayor and City Council

Subject: Substantial Amendment to the 2008-2009 One Year Action Plan

Initiated By: Housing and Community Services Department

Agenda: New Business

Recommendation: Approve the Substantial Amendment, authorize necessary signatures and authorize submission to the U.S. Department of Housing and Urban Development.

Background: Wichita is recognized as an “entitlement” city by the U.S. Department of Housing and Urban Development (HUD). This is based on a federal formula which looks at total population, the number of persons below the poverty level, the number of overcrowded housing units, the age of housing and the population growth lag. Because of the City’s “entitlement” status, Wichita is scheduled to receive a direct allocation of funds from the American Recovery and Reinvestment Act of 2009 (ARRA) for the Homelessness Prevention and Rapid Re-Housing Program. HUD has instructed communities scheduled to receive these funds to amend their Consolidated Plan 2008 Action Plan in order to receive the funding, and to publish it for a 12-day public comment period.

Analysis: The Homelessness Prevention and Rapid Re-Housing Program (HPRP) is designed to provide financial assistance to persons who would otherwise be or become homeless – many due to the economic crisis and to provide assistance to rapidly re-house persons who are homeless. Financial assistance can be used for such costs as rent, utilities and moving costs. Funds cannot be used for mortgage payments.

The HPRP Substantial Amendment was published in the Wichita Eagle, Community Voice and Tiempo newspapers. It was also available at City Hall, Neighborhood City Halls, Public Libraries, Housing and Community Services office and online. One meeting was held with local service providers also. No comments were received.

The Substantial Amendment must be submitted to HUD by May 18, 2009. HUD approval is expected no later than July 2, 2009. Upon approval by HUD, the City must have contracts in place with community agencies who will provide HPRP-funded services, by September 30, 2009. Sixty percent of the funds must be expended within two years of HUD’s approval date; all funds must be expended within three years of the approval date.

Financial Consideration: The City’s allocation of Homelessness Prevention and Rapid Re-Housing Program funds is \$1,168,490. All are federal funds; no City funds will be required to implement this program.

Goal Impact: Expenditure of Homelessness Prevention and Rapid Re-Housing Program funds will impact Economic Vitality & Affordable Living and Quality of Life goals.

Legal Consideration: HUD has established the criteria for development of the substantial amendment to the One Year Action Plan. Staff have completed the substantial amendment.

Recommendation/Actions: It is recommended that the City Council approve the Substantial Amendment, authorize necessary signatures and authorize submission to the U.S. Department of Housing and Urban Development.

Attachments: Substantial amendment to the Consolidated Plan 2008 Action Plan, certifications, and SF-424.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

Grantees eligible to receive funds under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) are required to complete a substantial amendment to their Consolidated Plan 2008 Action Plan. This form sets forth the required format for this substantial amendment. A completed form is due to HUD within 60 days of the publication of the HUD HPRP notice.

To aid grantees in meeting this submission deadline, the HPRP Notice reduces the requirement for a 30-day public comment period to no less than 12 calendar days for this substantial amendment. With this exception, HPRP grantees are required to follow their Consolidated Plan's citizen participation process, including consultation with the Continuum of Care (CoC) in the appropriate jurisdiction(s). Grantees are also required to coordinate HPRP activities with the CoC's strategies for homeless prevention and ending homelessness. To maximize transparency, HUD strongly recommends that each grantee post its substantial amendment materials on the grantee's official website as the materials are developed.

A complete submission contains the following three documents:

- 1) A signed and dated SF-424,
- 2) A completed form HUD-40119 (this form), and
- 3) Signed and dated General Consolidated Plan and HPRP certifications.

For additional information regarding the HPRP program, visit the HUD Homelessness Resource Exchange (www.hudhre.info). This site will be regularly updated to include HPRP resources developed by HUD and its technical assistance providers.

The information collection requirements contained in this application have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Information is submitted in accordance with the regulatory authority contained in each program rule. The information will be used to rate applications, determine eligibility, and establish grant amounts.

Public reporting burden for this collection of information is estimated to be 16 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the substantial amendment to the Consolidated Plan 2008 Action Plan does not request the submission of such information.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

A. General Information

Grantee Name	City of Wichita
Name of Entity or Department Administering Funds	Housing and Community Services Department
HPRP Contact Person (person to answer questions about this amendment and HPRP)	Mary K. Vaughn
Title	Director
Address Line 1	332 N. Riverview
Address Line 2	
City, State, Zip Code	Wichita, KS 67203
Telephone	316-462-3795
Fax	316-462-3719
Email Address	mkvaughn@wichita.gov
Authorized Official (if different from Contact Person)	Carl Brewer
Title	Mayor
Address Line 1	455 N. Main St.
Address Line 2	
City, State, Zip Code	Wichita, KS 67202
Telephone	316-268-4331
Fax	316-858-7743
Email Address	cbrewer@wichita.gov
Web Address where this Form is Posted	www.wichita.gov/cityoffices/housing

Amount Grantee is Eligible to Receive*	\$1,168,490
Amount Grantee is Requesting	\$1,168,490

*Amounts are available at <http://www.hud.gov/recovery/homelesspreventrecov.xls>

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

B. Citizen Participation and Public Comment

1. Briefly describe how the grantee followed its citizen participation plan regarding this proposed substantial amendment (limit 250 words).

Response: The Wichita City Council approved the posting of the substantial amendment at its April 21, 2009 City Council meeting – which is a public meeting. Following the City Council meeting, staff posted the substantial amendment for public comment, in the Wichita Eagle and Community Voice newspapers. Copies were made available at the City's four Neighborhood City Halls, and visitors to the City's website were made aware of the amendment and invited to comment. Postings remained open until the end of the 12-day public comment period, May 3, 2009.

2. Provide the appropriate response regarding this substantial amendment by checking one of the following options:

- ☐ Grantee did not receive public comments.
- ☐ Grantee received and accepted all public comments.
- ☐ Grantee received public comments and did not accept one or more of the comments.

3. Provide a summary of the public comments regarding this substantial amendment. Include a summary of any comments or views not accepted and the reasons for non-acceptance.

Response:

C. Distribution and Administration of Funds

Reminder: The HPRP grant will be made by means of a grant agreement executed by HUD and the grantee. The three-year deadline to expend funds begins when HUD signs the grant agreement. Grantees should ensure that sufficient planning is in place to begin to expend funds shortly after grant agreement.

1. Check the process(es) that the grantee plans to use to select subgrantees. Note that a subgrantee is defined as the organization to which the grantee provides HPRP funds.

- ☐ Competitive Process
- ☐ Formula Allocation

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

p Other (Specify: The City of Wichita will follow the Continuum of Care process for identifying agencies with the capacity to deliver services funded by the HPRP), with the addition of a panel review and recommendation.

2. Briefly describe the process(es) indicated in question 1 above (limit 250 words).

Response: *The Continuum of Care planning team, along with other service providers, will be invited to provide input into the process for selection. Every attempt will be made to include representatives of agencies who provide one or more components of HPRP eligible service categories at the meeting. The objective will be to confirm overall program guidelines, such as eligibility criteria and areas of focus. In addition, specific categorical allocation amounts will be outlined, although flexibility will be exercised if actual experiences dictate the need to shift funds from one category to another.*

Following the stakeholder meeting, a presentation schedule will be developed and interested applicants will be invited to present their plan to expend the funds within the program guidelines. An impartial panel, which will include a formerly homeless person now housed through the Housing First program, will evaluate all presentations and make funding award recommendations. City staff will prepare boilerplate contract documents based on the recommendations, and which include performance criteria.

All of these steps will take place prior to July 2, 2009, so that by that time at the latest, contracts will be ready for execution following HUD approval of the substantial amendment and City receipt of the signed grant agreement.

3. Briefly describe the process the grantee plans to use, once HUD signs the grant agreement, to allocate funds available to subgrantees by September 30, 2009, as required by the HPRP Notice (limit 250 words).

Response: *Once HUD signs the grant agreement, contracts will be presented to the City Council for approval at the first available City Council meeting date following receipt of the signed agreement. The contracts will have been prepared based on recommendations from the presentation panel described above. Once the City Council approves the contracts, signatures will be obtained. It is anticipated that contracts will be fully executed within 45 days of the date that HUD signs the grant agreement.*

4. Describe the grantee's plan for ensuring the effective and timely use of HPRP grant funds on eligible activities, as outlined in the HPRP Notice. Include a description

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

of how the grantee plans to oversee and monitor the administration and use of its own HPRP funds, as well as those used by its subgrantees (limit 500 words).

Response: The City of Wichita will include in the contract documents, requirements for monthly performance and expenditure reports. These reports will document at a minimum, contacts made with potential clients, confirmation of individualized housing plans which reflect the goals of the HPRP program, payments made in support of the housing plans, and progress reports on clients who have been assisted. In addition to receipt of written monthly performance and expenditure reports, City staff will make at least one onsite visit per month, to selected contractor offices and to a sample of clients who have received assistance. These visits will be for the purpose of reviewing client files and agency processes, as well as confirming client progress.

Contracts will also include cancellation provisions if expenditures are not timely. In the event that contracts are cancelled for less than timely expenditures, funds will be re-allocated to one or more of the following City-administered programs which provide short and medium term housing: Section 8 Housing Choice Voucher program; Prisoner Reentry; Shelter Plus Care; or Housing First. Because these programs are City-administered the City can more directly impact and improve the rate of expenditures, and ensure that funds are reaching clients in need. It should be noted that these programs may also apply for HPRP funding at the start of the program.

D. Collaboration

1. Briefly describe how the grantee plans to collaborate with the local agencies that can serve similar target populations, which received funds under the American Recovery and Reinvestment Act of 2009 from other Federal agencies, including the U.S. Departments of Education, Health and Human Services, Homeland Security, and Labor (limit 250 words).

Response: The City of Wichita will contact each local or state office through which American Recovery and Reinvestment Act funds may flow, and create a database of services and contact persons for each. That database will be made available to all subgrantees of the HPRP program, as well as the general public. Subgrantees will be encouraged to collaborate with any agencies whose services can be blended with HPRP efforts, to create a system of support which will achieve HPRP program goals. Subgrantees will be expected to report on such collaborations with the monthly performance and financial reports. In addition, efforts will be made to convene regular meetings (quarterly or biannually) of subgrantees and representatives of the other ARRA-funded programs, to exchange information and resources.

Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP)

2. Briefly describe how the grantee plans to collaborate with appropriate Continuum(s) of Care and mainstream resources regarding HPRP activities (limit 250 words).

Response: As stated earlier, the Continuum of Care providers will provide the primary point of collaboration in establishing general guidelines and expectations for distribution of HPRP funds. In addition, other community agencies who do not traditionally participate in Continuum of Care funding processes will be included, to ensure that all phases of the HPRP's goals are addressed. Thus, the process will include current homeless services providers (include those who shelter victims of domestic violence), partner agencies in the Section 8 Housing Choice Voucher programs (Shelter Plus Care, Veterans Affairs Supportive Housing, Prisoner Reentry), programs that serve children who are aging out of transitional housing programs, programs that serve persons living with HIV/AIDS, programs that provide substance abuse treatment, and the local school district. These agencies will help formulate the plan for services and will be invited to make presentations for funding.

3. Briefly describe how HPRP grant funds for financial assistance and housing relocation/stabilization services will be used in a manner that is consistent with the grantee's Consolidated Plan (limit 250 words).

Response: The City of Wichita is in the process of preparing the 2009-2013 Consolidated Plan. Both the proposed new plan and the current one, address the needs of persons who are at risk of homelessness because they are cost burdened as relates to their housing, persons whose living conditions are substandard, and persons who are living in overcrowded housing units. The goal of the Consolidated Plan strategies is to provide assistance which will lead to self-sufficiency in as many cases as possible. The HPRP's emphasis on short-term assistance geared to stabilize participants so that they are able to maintain their housing without HPRP assistance is consistent with the City's Consolidated Plan strategies.

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

E. Estimated Budget Summary

HUD requires the grantee to complete the following table so that participants in the citizen participation process may see the grantee's preliminary estimated amounts for various HPRP activities. Enter the estimated budget amounts for each activity in the appropriate column and row. The grantee will be required to report actual amounts in subsequent reporting.

HPRP Estimated Budget Summary			
	Homelessness Prevention	Rapid Re- housing	Total Amount Budgeted
Financial Assistance ¹	\$422,117	\$422,117	\$844,234
Housing Relocation and Stabilization Services ²	\$74,491	\$74,491	\$148,982
Subtotal (add previous two rows)	\$496,608	\$496,608	\$993,216

Data Collection and Evaluation ³	\$116,849
Administration (up to 5% of allocation)	\$58,425
Total HPRP Amount Budgeted⁴	\$1,168,490

¹Financial assistance includes the following activities as detailed in the HPRP Notice: short-term rental assistance, medium-term rental assistance, security deposits, utility deposits, utility payments, moving cost assistance, and motel or hotel vouchers.

²Housing relocation and stabilization services include the following activities as detailed in the HPRP Notice: case management, outreach, housing search and placement, legal services, mediation, and credit repair.

³Data collection and evaluation includes costs associated with operating HUD-approved homeless management information systems for purposes of collecting unduplicated counts of homeless persons and analyzing patterns of use of HPRP funds.

⁴This amount must match the amount entered in the cell on the table in Section A titled "Amount Grantee is Requesting."

**Substantial Amendment to the Consolidated Plan 2008 Action Plan for the
Homelessness Prevention and Rapid Re-Housing Program (HPRP)**

F. Authorized Signature

By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete, and accurate to the best of my knowledge. I also provide the required assurances and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

Signature/Authorized Official

Date

Title

Homelessness Prevention and Rapid Re-Housing Program (HPRP) Certifications

The HPRP Grantee certifies that:

Consolidated Plan – It is following a current HUD-approved Consolidated Plan or CHAS.

Consistency with Plan – The housing activities to be undertaken with HPRP funds are consistent with the strategic plan.

Confidentiality – It will develop and implement procedures to ensure:

- (1) The confidentiality of records pertaining to any individual provided with assistance; and
- (2) That the address or location of any assisted housing will not be made public, except to the extent that this prohibition contradicts a preexisting privacy policy of the grantee.

Discharge Policy – A certification that the State or jurisdiction has established a policy for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

HMIS – It will comply with HUD’s standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information.

Signature/Authorized Official

Date

Title

GENERAL CERTIFICATIONS FOR STATE OR LOCAL GOVERNMENT FOR THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the state, territory, or local government certifies that:

Affirmatively Further Fair Housing -- The state, territory, or local government will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction or state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Drug-Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the state, territory, or local government's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Local Government, State, or Territory -- The submission of the consolidated plan is authorized under state law and local law (as applicable) and the jurisdiction or state possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with Plan -- The housing activities to be undertaken with HPRP funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The Grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approved No. 3076-0006

Version 7/03

1. TYPE OF SUBMISSION: Application		2. DATE SUBMITTED May 13, 2009		Applicant Identifier	
<input type="checkbox"/> Construction		<input type="checkbox"/> Construction		3. DATE RECEIVED BY STATE	
<input checked="" type="checkbox"/> Non-Construction		<input type="checkbox"/> Non-Construction		State Application Identifier	
		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name: City of Wichita			Organizational Unit: Department: Housing and Community Services Department		
Organizational DUNS: 04-306-34-60			Division:		
Address: Street: 455 N. Main Street City: Wichita County: Sedgwick State: Kansas Country: USA			Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Ms. First Name: Mary Middle Name: K. Last Name: Vaughn Suffix:		
Zip Code 67202			Email: mkvaughn@wichita.gov		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 48-6000653			Phone Number (give area code) 316-462-3795		Fax Number (give area code) 316-462-3719
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify)			7. TYPE OF APPLICANT: (See back of form for Application Types) C-Municipal Other (specify)		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): Labor Management Cooperation Program			9. NAME OF FEDERAL AGENCY:		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Wichita, Kansas			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Homelessness and Rapid Re-Housing Program		
13. PROPOSED PROJECT Start Date: September 1, 2009 Ending Date: August 31, 2012			14. CONGRESSIONAL DISTRICTS OF: a. Applicant b. Project		
15. ESTIMATED FUNDING:			16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?		
a. Federal	\$	1,168,490.00	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON		
b. Applicant	\$	.00	DATE:		
c. State	\$	.00	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372		
d. Local	\$	.00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
e. Other	\$	.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?		
f. Program Income	\$	.00	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No		
g. TOTAL	\$	1,168,490.00			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Authorized Representative					
Prefix Mr.		First Name Carl		Middle Name	
Last Name Brewer				Suffix	
b. Title Mayor		c. Telephone Number (give area code) 316-268-4331			
d. Signature of Authorized Representative		e. Date Signed May 13, 2009			

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Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council Members

SUBJECT: Federal Fiscal Year 2009/2010 Community Service Block Grant American Recovery and Reinvestment Act Application

INITIATED BY: Human Resources

AGENDA: New Business

Recommendation: Approve the application and authorize necessary signatures.

Background: The Community Services Block Grant (CSBG) is a federal program targeted to address the causes and effects of poverty through locally designed strategies. Funds are awarded by formula to Community Action Programs (CAPs) throughout the state to address poverty issues at the community level. The City of Wichita has been a CAP and received CSBG funds since the mid-1970's. In addition to the regular CSBG annual allocation, passage of the American Recovery and Reinvestment Act (ARRA) provided additional funds for CSBG eligible entities.

The ARRA funding is designed to address the current economic situation and it is anticipated this funding will be a one-time occurrence. ARRA funds issued under the CSBG umbrella are expected to have enough flexibility to allow refinement in the methods of achieving application outcomes as economic conditions change. The Career Development Division of the Human Resources Department, which administers the CSBG program locally, has prepared an application for this CSBG ARRA allocation using existing City of Wichita resources in order to retain City positions. Should the economic conditions improve these personnel may be redirected and other resources will be utilized to complete the program.

State sponsored ARRA training for staff will follow Council approval and submittal of the application. Program specifics will be further defined in accordance with that training. CSBG AARA funding allows eligible applicants to define projects in broad programmatic areas that can be refined after the grant is submitted based upon the knowledge gained at the training sessions. However, all program outcomes are required to remain consistent with legislative mandates.

Analysis:

The City's application for its \$1,736,332 allocation of ARRA funds includes a combination of services directly benefiting low-income individuals, families and neighborhoods, as required by the Act.

- Employment related activities include Career Development staffing and support of the locally sponsored "**Laid Off Workers Center,**" employment supports for pregnant women, work experience for job seekers, and hiring incentives for employers.
- A Stop Blight project will assign seven employees of the Office of Central Inspection to address blight and code violations in low-income neighborhoods.
- Bulky waste pickups and a forestry project designed to reduce blight and remove cover for criminal activities will provide community revitalization.
- **An animal control project that will address animal populations and health and safety issues in the community.**

- Programs to improve the physical health and academic achievement of youth, with the added benefit of reducing juvenile crime.
- A technology project will provide additional computers and technology upgrades to improve citizen outreach, access and learning/training opportunities at the Neighborhood City Halls and the Career Development Office.

CSBG ARRA regulations set individual eligibility guidelines at 200% of the poverty level. All CSBG ARRA funds must be expended by September 30, 2010.

Financial Considerations: No general operating funds from the City's budget are obligated by the application. CSBG ARRA funds will be used to retain certain City positions put at risk because of special revenue shortfalls caused by economic conditions **and will provide one-time funding for programs to assist citizens that meet economic and social need criteria.**

Goal Impact: The programs supported by CSBG ARRA funds will: (1) support a dynamic core area and vibrant neighborhoods through continued revitalization of the Core Area; (2) promote economic vitality and affordable living by sustaining the affordable living of the clients served; and (3) enhance the quality of life of clients served.

Legal Considerations: The CSBG Review Committee met on April 30, 2010 to consider the application and program content and recommends approval by the City Council.

Recommendation/Action: It is recommended that the City Council approve the FFY 2009/2010 CSBG ARRA Application and authorize the necessary signatures.

Attachments: FY 2009/2010 CSBG American Recovery and Reinvestment Act Application

**Kansas Community Services Block Grant****AGENCY COVER SHEET AND ASSURANCES****Program:** FFY 2009-2010 ARRA**Amount of Grant Request:** \$ 1,736,332.00**Name of Applicant Agency:** City of Wichita, Career Development Office**Agency Address:** 444 East William**City/State/Zip+4:** Wichita, KS 67202**Federal Tax
Identification Number:** 48-6000653**Service Area for this Project:** Sedgwick County, Kansas**Contact Individual for Matters****Related to This Application:** Joyce Stockham**Contact's Phone No.:** 316-337-9444 Ext 110**Contact's E-Mail Address:** jstockham@wichita.gov

Certification: To the best of our knowledge, the information contained within this application is correct and has been authorized by the governing body of this organization. We acknowledge that information contained in this application becomes part of the terms and conditions of any grant that is awarded on the basis of this application. We will comply with the stipulations of the grant if this application is approved.

Executive Director

Board Chair

Date

Date

ASSURANCES FOR COMMUNITY SERVICES BLOCK GRANT APPLICATIONS

The subgrantee certifies that it agrees to use the **Fiscal Year 2009 and Fiscal Year 2010 ARRA** funds available through the Community Services Block Grant:

- For the support of activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), homeless families and individuals, migrant or seasonal farm workers and elderly low-income individuals and families -
 - to remove obstacles and solve problems that block the achievement of self-sufficiency (including self-sufficiency for families and individuals who are attempting to transition off a state program carried out under part A of title IV of the Social Security Act);
 - to secure and retain meaningful employment;
 - to attain an adequate education, with particular attention toward improving literacy skills of the low-income families in the communities involved, which may include carrying out family literacy initiatives;
 - to make better use of available income;
 - to obtain and maintain adequate housing and a suitable living environment;
 - to obtain emergency assistance through loans or grants to meet immediate and urgent family and individual needs;
 - to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners;
- To address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth and support development and expansion of innovative community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as -
 - programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation and entrepreneurship programs); and
 - after-school child care programs; and

- To make more effective use of and to coordinate with other programs related to the purposes of this subtitle (including state welfare reform efforts).

The subgrantee certifies that it will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals.

The subgrantee certifies that it will coordinate and establish linkages with governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services. The subgrantee will, to the maximum extent possible, coordinate programs and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the state, including religious organizations, charitable groups and community organizations.

The subgrantee agrees to manage its CSBG-supported projects in accordance with the tenets of Results Oriented Management and Accountability.

Executive Director

Board Chair

Date

Date

B. Application Summary

The mission of the Career Development Office (CDO) is to assist the area's low-income population improve their self-sufficiency through employment and access to support services. The CDO is a division of the City of Wichita, which serves as the Community Action Program (CAP) for the residents of Wichita and Sedgwick County. The City has been the CAP for over thirty years, successfully managing the Community Services Block Grant (CSBG) program and funds through changes in federal law, state administration, and local need. The City of Wichita will use CSBG ARRA funds for a combination of services with direct benefit to low-income individuals and families and services beneficial to low-income areas. Direct benefits include support activities designed to enhance, secure and retain meaningful employment leading to self-sufficiency. Benefits to low income areas will include community improvement and revitalization efforts, crime prevention programs and youth development activities, community empowerment and participation activities, and activities to improve the community quality of life.

C. PROJECT NARRATIVE

Project Title: "Laid Off Workers Center " (in and after to be referred as Center)

Employment Supports

Estimated Cost: \$286,000

% of Agency's ARRA Allocation: 16.47 %

Est. # of Jobs to be created: 0

Est. # of Jobs to be retained: 2 City and 750 customers assisted in locating jobs

Need for the Project:

When workers are unemployed, they, their families, and the country as a whole lose.

Workers and their families lose wages and the country loses the goods or services that could have been produced. In addition, the purchasing power of these workers is lost, which can lead to unemployment for yet other workers. According to the Kansas Department of Labor (DOL), persons are classified as unemployed if they do not have a job, have actively looked for work during the prior four weeks, and are currently available for work. DOL reports that the February 2009 unemployment rate in the Wichita area was 6 percent. That is up from 5.9 percent in January 2009 and compares with 3.7 percent in February of 2008. DOL reports the Sedgwick county unemployment rate at 6.5 percent for March, 2009. By June 2009, it is anticipated that 12,000 individuals will need assistance in employment seeking activities. The City of Wichita and its community partners are currently developing plans for a Center. The target population for this project is low income unemployed and underemployed individuals and families residing in Sedgwick County.

Strategy: The goals of the Center will be to ensure that individuals with appropriate skills and qualifications are referred to employers who list job openings and to assist the job seekers in accessing available supportive services. Therefore, strategies for these goals will be focused on helping businesses clearly articulate the skills, competencies and hiring criteria for their available jobs, helping job seekers to identify their skills and competencies and to help them take advantage of the broader services available in the Center's setting. Sedgwick County currently has a 6.5% unemployment rate, which equates to approximately 12,000 individuals seeking employment. In order to meet the demands/needs of this population, the Center is designed to offer a holistic and comprehensive approach in the services to be provided, which includes supportive services designed to ease the transition to the next job. The development of an effective laid off workers center will assist individuals and families obtain employment leading to self-sufficiency and in doing so will put money in the hands of people who will spend it quickly.

Implementation process: The Center is projected to open its doors for business by June 1, 2009 and its services will be marketed and available to anyone seeking employment. Many of those individuals will meet the 200 percent Federal Poverty threshold guidelines and will be referred to Career Development Office (CDO) and other agencies providing the supportive services for which they are qualified, a number of which will be located in the Center. Those CSBG eligible and interested customers will be able to access CDO services from personnel stationed at the Center. CDO staff will provide

integrated case management services, which include: assessment, career planning, education and training opportunities, work study, support services and other individualized services. Additionally, these customers will be able to participate in résumé writing, job search and work readiness services, and customer service workshops. ARRA funds will be used to pay the CDO personnel and associated costs required to maintain two staff positions at the Center and for materials and supportive services provided to the Center customers through August 31, 2010. Other community partners will locate at the Center with participation designed to maximize resources available and to avoid duplication of services. Customers will also be able to access emergency services, such as food, rent and utilities that are available through the Center partners.

Key personnel: Project Directors: Pat Hanrahan, United Way Director; Robert Layton, Wichita City Manager and Mary Kay Vaughn, Housing and Community Services Director will provide overall guidance, and leadership for the project but the day-to-day supervision of the Center will be provided by staff of this leadership team. Wichita and Sedgwick County partners participating in the operation of the Center have gained the necessary experience through operation of a like center after the economic repercussions of the terrorist actions on 9/11/01. That experience along with the commitment and willingness of local leaders to invest the individual time and talent necessary to provide the needed services to unemployed area residents, will provide the foundations for a successful lay off center. Key City of Wichita personnel identified for operation of the Center include employees from Housing, Transit, Library, Police and

the CDO. These personnel are being committed to provide a 40 hour per week center operation for approximately one year. The two CDO Program Specialist positions located at the Center will be supervised by the CDO Supervisor with guidance provided by the CDO Manager, with their percentage of time devoted to the project estimated at 25% and 2.5% respectively. Need and structure of the Center will continually be reviewed and operational adjustments made to maximize efficiency of service delivery. The Center will be open and available to customers 40 hours per week and all partners will be requested to commit to providing their available resources during hours of the Center operation.

Other resources:

Additionally, the American Red Cross, Child Start, Dress for Success, Suit Up, Consumer Credit Counseling Services, Kansas Food Bank, Kansas Social and Rehabilitation Services, Mental Health Association, United Way of the Plains, Workforce Alliance of South Central Kansas, Kansas Gas Services, Sedgwick County, and Westar Energy are committed to providing volunteers, in-kind services and materials, agency personnel, partnership activities, and funding that will support the project.

Performance targets: See attachment

Impact:

Jobseekers will be provided opportunities and services they need at a convenient Center. Self-sufficiency is possible for many families only through employment.

Employment provides the means by which low-income people may own a stake in their

community by allowing them to select and remain in a home and neighborhood in which they can become involved. This stability encourages the development of a support system of neighbors and community-based agencies, strengthening the family's own resources. The Center's services will connect individuals and families with other public benefits by screening them for eligibility for food stamps, children's health insurance and day care services; by coordinating and linking efforts to help families' access broader asset-building initiatives that help families save for the future; and by developing transitional jobs programs that help residents overcome barriers to employment through temporary or subsidized jobs that facilitate transition into the private workforce. The Center will also assist individuals and families to secure education, employment and services to reach self-sufficiency thus reducing and/or eliminating the need for employment and training services in Sedgwick County beyond those currently available.

Project Title: "Working Women"

Employment Supports

Estimated Cost: \$60,000

% of Agency's ARRA Allocation: 3.34%

Est. # of Jobs to be created:

Est. # of Jobs to be retained: 1

Need for the Project:

Women constitute approximately half of today's workforce and women are more likely to work while pregnant than they were in the 1960s, and they are now working later into their pregnancies. U.S. Census Bureau data show that two-thirds of women who had their first child between 2001 and 2003 worked during their pregnancy compared with just 44 percent who gave birth for the first time between 1961 and 1965. In Sedgwick County the local Social and Rehabilitation Services (SRS) Office currently identifies 326

pregnant women that receive Temporary Assistance to Families (TAF). Cultural resistance to mothers remaining in the paid workforce is less strident today than it was in the 1970s and '80s, but it hasn't disappeared. The Pregnancy Discrimination Act (PDA) of 1978 prohibits formal discrimination against pregnant women in all federal jobs and in companies of 15 or more employees. The PDA also prohibits an employer from firing, refusing to hire or denying a promotion to a worker on the basis of pregnancy. However, antidiscrimination legislation does not automatically change workplace attitudes. Current research by George Mason University and Rice University professors indicates that pregnant women may still face negative judgments and other obstacles to getting jobs. Also there is evidence that businesses that have previously been adopting family friendly programs during times of high rates of employment are downsizing these programs in response to a high level of unemployment. As the pressure to retain talent recedes, employers are scaling back options for telecommuting, flexible schedules and job sharing. The results of these studies suggest that pregnant women who pursue jobs face many challenges in obtaining and retaining employment. Also, specific funding directed to employment supports for pregnant women is at best limited if available.

Strategy:

Doctor appointments and preparation for a new family member can feel as if it is a full-time job. Pregnant women currently receiving TAF assistance are often required to participate in work program activities up to 30 hours per week. Many women lack the time management and organizational skills to meet all the obligations and commitments required of them during this time. The CDO proposes to use ARRA

funding to provide workable techniques and information to assist and teach transferable life skills specifically designed to assist pregnant women to meet these employment requirements and to prepare them to return to the workforce after the birth of their child. The CDO then proposes to use other employment program funding that it has available to follow up after birth and enroll these women in its Success Through Achievement and Responsibility (STAR) Program which will provide the intensive case management and employment supports so vital to a woman's successful return to the workforce. The Working Women Project will focus on pregnant women in Sedgwick County receiving TAF, and referred by the SRS and other community partners.

Implementation process:

The CDO plans to market the project to SRS and other community partners, with requests for referrals, upon project approval. The initial phase of the project is scheduled to run through August 31, 2010 and if necessary, enrollment priority will be given to women in their third trimester. After receipt of a referral the CDO will contact the expectant mother, provide project information, and recruit the prospective customer to enroll into the project.

Customers will participate in individualized assessment and service planning and will attend four hour workshops twice a week for up to three months. Topics will include: decision making and evaluating choices, career interest and planning, healthy babies and healthy families, grooming and clothing during and after pregnancy, transferable skills and returning to the work force. Additionally, individual plans will consist of structured job search and review, internet job search, remediation, introduction to basic

computers and software products, keyboarding and various self-esteem and self-improvement activities. Working relationships will be established and follow up services will be provided to customers while on maternity leave. During this time, customers will be encouraged to continue with CDO activities and when ready to return to the labor force will be provided opportunities to continue developing an individualized employment plan leading to self-sufficiency.

Once this project demonstrates success in assisting women in returning to the labor force, other funding sources may be optional. Additionally, emphasis will be placed on recruiting and training volunteers to maintain the program. Maintenance of this project is estimated to be minimal; initial one time start up and training expenses will be provided through the ARRA grant.

Key personnel: Project Director will be Sonya Gonzales, CDO Supervisor, and CDO Employment Specialists will provide the planning and direct services to customers. Customers will be involved in activities up to 30 hours per week. This project will have the equivalent of one full time employment specialist through the initial phase of the program.

Other resources: SRS, Kansas Children's Services League, Sedgwick County Health Department, Nurse volunteers, Sedgwick County Extension Office and other community partners to be determined.

Performance targets: See attachment

Impact:

Returning to work is a unique experience, for every parent. The challenges and dilemmas may be similar but just as every baby is unique, the decisions made and the available resources to support the consequences of those decisions is different for every parent. No amount of family friendly legislation or well meaning advice from relatives and friends will provide the specific supports that each new parent will require. There is no one size fits all solution. Whether individuals are returning to work six weeks, six months or six years after maternity leave, they will be facing new challenges with different priorities and greater responsibilities. Decisions around work and career at this stage have a significant impact on both families and businesses alike.

Previous research carried out by the Crisis Pregnancy Agency (CPA) has found that women who experience a crisis pregnancy consider a range of issues when it comes to work, such as how they will balance parental duties with work, how their career progression might be affected, how they will be able to afford childcare and how their employer will react to the news of the pregnancy.

Through the completion of this program customers will be well informed of their responsibly and be provided with the knowledge and tools to be successful parents and employees. Parents will continue to accrue the rewards of attributes that accompany employment, provide economic stability for the community and provide a role model their children.

Project Title: Technology Upgrades

Estimated Cost: \$79,391

% of Agency's ARRA Allocation: 4.57%

Est. # of Jobs to be created: 1

Est. # of Jobs to be retained:

Need for the Project:

Technology is ubiquitous, touching almost every part of our lives, communities and homes. Access to information and communications technologies can have a huge impact on all aspects of life. Waves of layoffs have pushed states to ramp up operations to rush benefits to people battered by an economic storm that resembles a natural disaster. Today's workforce requires employees to think strategically, analyze information, and work collaboratively using 21st-century tools and knowledge in new situations. Technology in education is intended to improve student achievement while increasing people's abilities to meet the demands of career and work force opportunities when they leave school. Well-trained and productive workers mean a stronger economy and a healthier future for all of us.

Consider these facts:

- The unskilled labor market is disappearing. Basic technology literacy is and will be fundamental for employability. (Source: Dr. Willard R. Daggett, International Center for Leadership in Education).

- Sixty percent of today's jobs require technology skills and the number is estimated to grow to 90 percent within the next 50 years. (Source: U.S. Department of Commerce).

- Technology assists in the mastery of vocational and workforce skills and helps prepare students for the workplace when used as a problem-solving tool.

- Eight out of ten of the fastest-growing occupations are computer-related.

(Source: Bureau of Labor Statistics).

- Technology empowers individual's to meet whatever business challenge comes next.

However, low-income families have much less access to technology in both schools and homes. In some urban and rural schools with high concentrations of low-income children, the student to computer ratio often exceeds the already high national average of 9:1. On the home front, only 11 percent of families with an income of less than \$20,000 owned a personal computer, compared with 56 percent for those with an income of \$50,000.

Strategy: ARRA funds will be used to purchase technology applications and upgrades for the four Neighborhood City Halls (NCH) located in low-income areas and for the Career Development Office (CDO). These applications and upgrades will provide new avenues for outreach to clients and the public, strengthen community-based learning, support educational improvements for special populations and to better prepare the workforce.

Implementation process: Upon project approval, City of Wichita IT/IS staff will develop service plans for incorporation of technologies or equipment to be purchased for each of the four NCHs and the CDO. These purchases will include educational and training software, equipment to increase capacity and serve low-income areas, additional

computers for the NCH's as well as equipment to improve communications with or services offered to the community during meetings and other activities.

Key personnel: Project Director: Joe Dermid, Fiscal Analyst with the CDO, City IT/IS staff, Neighborhood City Hall Neighborhood Assistants and Community Educators.

Other resources: Information and technology services

Performance targets: See attachment

Impact:

While one might think of the typical information technology (IT) worker as employed by a major software company or systems developer, the reality is that nine out of ten IT workers are found in banks, insurance companies, manufacturing plants or other non-IT businesses. (Source: Information Technology Association of America 2003 IT Workforce Survey). Through technology upgrades the CDO, NCH's and the One Stop Lay Off Center will be able to increase their current number of customer's served as well as improving customer access to services.

Project Title: "Stop Blight Action Response Team"

Community Improvement and Revitalization

Estimated Cost: \$543,016

% of Agency's ARRA Allocation: 31.27%

Est. # of Jobs to be created:

Est. # of Jobs to be retained: 7

Need for the Project:

Local residents/citizens and the Wichita City Council have expressed the desire to strengthen neighborhoods, and particularly, to find more effective ways to eliminate blighting influences such as deteriorating, vacant and/or abandoned buildings. A significant part of this effort includes the “Stop Blight” initiative to address vacant lots, boarded-up houses and abandoned industrial sites that threaten neighborhood stability. Neglected buildings are a major source of blight in both residential and non-residential neighborhoods, and which discourage economic development and retard appreciation of property values. Curb appeal is low in older and low-income neighborhoods. Some neighborhoods lack adequate traffic corridors and shopping within close proximity. A few neighborhoods are stigmatized by the perception of being in a high crime area and by the perception of having lower performing schools resulting in residents moving out of the area to find alternate educational services.

Strategy:

Provide a comprehensive and pro-active City of Wichita inter-departmental approach to eliminating blight and other neighborhood nuisances. Blighted areas in low-income neighborhoods will be targeted for stepped up, comprehensive code enforcement by providing staff support for the Stop Blight Action Response Team and New Communities Initiative (NCI) programs, which are within defined areas in the Neighborhood Revitalization Area (NRA). By redirecting Neighborhood Inspection Program personnel to staff this project, trained inspectors will be retained until the local economy improves sufficiently to provide the new building permit fees necessary to fund these positions, thus preserving the Neighborhood Inspection Program.

Implementation process:

Upon project approval Neighborhood Inspection Program personnel will be redirected to provide staffing at a level required to adequately respond to increasing demands for neighborhood code enforcement. The implementation steps for this project will include:

- Designate 5 Target Areas
- Assign 4 existing neighborhood inspectors and 2 construction inspectors to target areas
- Assign clerical support staff for 6 positions
- Implement comprehensive code enforcement activity (housing, zoning, nuisance and commercial)
- Implement a Stop Blight Action Response Team “START” program philosophy within targeted areas
- Address commercial blight within neighborhoods
- Initiate meetings and partnering with neighborhood residents and/or neighborhood associations
- Meet with landlords or non-resident property owners to remedy problems
- Improve safety and beautification of neighborhoods

Key personnel: Deb Legge, Office of Central Inspection

Environmental Services, Police, Law, Neighborhood Services, Municipal Court
Administrator, Housing and Community Services, DHCS, and the CDO

Other resources: Community partners, OCI, NCH, CDO, WPD

Performance targets: See attachment

Impact:

Reduce number of blighted and neglected properties; improve “curb appeal”; preserve existing housing and commercial buildings; increase property values; and deter neighborhood crime in defined neighborhoods within the low income area. As well as, increased appreciation of neighborhoods that celebrate a vibrant ethnic heritage.

Project Title: Neighborhood Forestry

Community Improvement and Revitalization

Estimated Cost: \$260,000

% of Agency’s ARRA Allocation: 14.97%

Est. # of Jobs to be created:

Est. # of Jobs to be retained: 1

Need for the Project:

In cities across America, efforts to preserve and enlarge the tree canopy in support of both sustainability and beautification goals have grown in importance over the past several years. Many Wichita neighborhoods have well established tree canopies. However, if tree canopies are too low or dense, tree branches interfere with traffic lanes, making it dangerous for large vehicles, such as fire trucks, trash trucks or school buses, to pass under. Additionally, the canopies create coverage for illegal behavior. Criminal activities become more difficult to report as areas are too dark to see perpetrators or the actions of perpetrators. The costs associated in hiring arborists to trim and maintain

mature trees on private property are too great for most low-income residents, resulting in dead wood that is hazardous to move when branches are broken off in a windstorm.

Strategy:

Previous experience in the City of Wichita's Plainview area has shown that criminal activity is decreased when the tree canopies are well maintained. Neighborhood City Hall (NCH) and Wichita Police Department (WPD) staff will partner with community residents to identify areas determined to be in need of canopy maintenance.

Determining factors to be reviewed for delivery of services will be such factors as low income boundaries in Sedgwick County, types of criminal activity and crime rates and community involvement. An education component on forestry maintenance will also be provided and available to the diverse populations living in low-income neighborhoods.

Implementation process:

Forestry crews will be dedicated to canopy maintenance in right of ways and on public land in low income areas of Sedgwick County during the 2009 and 2010 summer seasons. Their first priority would be trimming trees and lifting canopies that have been identified by the Community Police Officers as areas that provide screening for illegal activities. Their second priority will be trimming and removal of dead wood or diseased trees that are unsafe for structures, hamper driver and pedestrian visibility and that constitute blight on the neighborhood.

Key personnel: Tim Martz, Superintend of Forestry, Neighborhood City Hall Assistants, Community Police officers in the low income areas.

Other resources: Forestry crews will provide the heavy equipment, including chippers, dump trucks and aerial lifts as well as in kind services of existing administrative staff.

Performance targets: See attachment

Impact:

The safety of a neighborhood is an important indicator of its overall economic and social health. Neighborhood crime prevention efforts are essential. Safe neighborhoods are necessary to foster common values and community quality of life. Neighborhood crime, on the other hand, creates fear and distrust among residents. Crime is more common in poorer neighborhoods with high population turnover and bonds between residents are vulnerable. Creating safer neighborhoods will increase community involvement and reduce the vulnerability of the residents. This project will make a significant impact toward that outcome. Education and resources committed for this project will allow the currently allotted funds and services to sustain the positive impact and improvement in neighborhood areas.

Project Title: **Pet Population: Health and Safety Options**

Community Quality of Life

Estimated Cost: \$155,000

% of Agency's ARRA Allocation: 8.93%

Est. # of Jobs to be created:

Est. # of Jobs to be retained: 1

Need for the Project:

In 2007, the Wichita Animal Shelter and the Kansas Humane Society received a combined 25,167 animals and euthanized 16,511 (65.6%). This is a euthanasia rate of 46.2 pets per 1,000 humans in Wichita.

Residents who live in low income areas do not typically have the resources **and often** lack education in the proper care of animals. Many of the residents are first generation Americans and do not understand the expectations when it comes to pet care and pet **population**. City Council Districts 1 and 3 have the most pronounced problem. In 2008 of the total six Council Districts, 1 and 3 represented 46 percent of all animal complaints; 57 percent of all pit bull complaints and 50 percent of all the dog attacks. Many people are surprised to learn that nationwide more than 3 million cats and dogs are euthanized in shelters. One might think that animals born in the streets have something "wrong" with them. But often they are the offspring of cherished family pets, even purebreds. Maybe someone's dog or cat got out just that one time or maybe the litter was intentional, but efforts to find enough good homes failed. Homeless animals may get into trash containers; defecate in the neighborhood and bite or attack. **Pet population education will reduce the amount of potential offspring and reduce the population of unwanted pets.**

According to Animal Control Management: A Guide for Local Governments, experts involved in humane organizations and animal control generally agree that **education**

and targeted animal services are essential to eliminating pet overpopulation. A widely quoted statistic from “Spay and Neuter Programs are Helping Pets and People!” Best Friends Network, on-line article is that 3% of the population is responsible for 80% of the overpopulation problem—the 3% being lower income individuals.

Millions of cats and dogs of all ages and breeds are euthanized annually or suffer as strays. Continuing to euthanize as a method of controlling the pet overpopulation problem, continually requires playing catch up with animals that have an average of 10 offspring per year. Many of these are the result of unwanted, unplanned litters that could have been prevented **through education and services**. Rarely surviving for more than a few years on their own, strays die painfully by starvation, disease, freezing or being hit by cars. **Unsupervised** males roam in search of a mate, risk injury in traffic and fight with other males. They mark their territory by spraying strong smelling urine on surfaces. Stray animals are more than just a public nuisance. **Stray animals are a particular problem and statistics show that unsterilized dogs are over twice as likely to bite; and their bite victims are likely to be children.**

Strategy:

Individuals with low incomes simply do not have discretionary funds available to **maintain the health and safety of their pets or the animal population**. It is unrealistic to think low-income people will not have pets. It is also well-established that pets have a tremendous psychological and emotional value, especially to isolated, infirm or elderly pet owners—some of the people most likely to be living in poverty.

The strategy being proposed is to provide low-income pet owners education, services and resources to assist in community health and safety as well as controlling the pet population. Possible options to assist in this project may be either free or reduced cost spaying or neutering, enhancing targeted enforcement activities and educational components for citizens. Services will be provided in all low-income areas, focusing in Districts 1 and 3.

Implementation process:

Upon project approval services will be **available** to low-income neighborhood residents. Pet outreach programs and events will be organized to **teach children, families and the community the skills and knowledge necessary to properly care for animals. Educational programs will help instill a lifelong sense of compassion and respect for all living things. The design will also be to prepare and empower the next generation with compassion and knowledge to provide for the animals that will be left in their care. The community focus will be on the importance of healthy pets and pet population control. Population control services may be provided free or subsidized for pet owners. It is estimated that 600 families living in low-income areas could benefit from this project. As individuals and families put into practice this education, all neighborhoods will be strengthened and the city of Wichita as a whole will benefit by improved quality of life.**

Key personnel: Project Directors: Janet Johnson and LaShonda Porter, NCH

Animal Control, Wichita Police Department, Kansas Humane Society, Pals, Spay-Neuter Kansas and the Murfin Center

Other resources: Community partners

Performance targets: See attachment

Impact:

Healthy cats and dogs focus their attention on their human families. One should be careful and not confuse aggressiveness with protectiveness—a neutered dog protects his home and family just as well as an unneutered dog, and many aggression problems can be avoided by early neutering. **Spaying and neutering a pet is one of the greatest contributions that can be made to the welfare of animals in a community. Spaying and neutering is a humane way to control animal overpopulation, significantly reduces the euthanasia of unwanted cats and dogs, and helps minimize public health problems. Studies show that non-altered animals are susceptible to more diseases, and consequently spayed and neutered cats and dogs live longer lives.**

Since individuals with low income contribute greatly to the pet overpopulation problem, and therefore to the costs of animal control, low cost spay/neuter programs save tax dollars. According to Animal Control Management: A Guide for Local Governments results of a New Hampshire program have been particularly well-documented. Each dollar spent in New Hampshire for spay/neuter saved an estimated \$3.23 in animal control expenditures over a 6-year period. Euthanasia rates dropped 75% during a decade in which the number of New Hampshire citizens increased by 11.4%.

This project will also help in reducing the number of people bitten by animals and improve the health conditions of the community. Fewer abandoned animals will reduce the spread of disease such as rabies and Toxoplasmosis (disease carried by cats and recently identified as a health risk for humans, livestock and wildlife).

Education and resources committed by this project will allow the currently allotted funds and services to sustain the positive impact and improvement in neighborhood areas.

Project Title: Youth Crime Prevention and Youth Development Activities

Ballplayers & Scholars Insight Camp: BASIC Training, "Tough on the Field, Tough in Academics" Story Telling Project, Saving our Sons-Neighborhood Based Mentoring Program, Youth Athletic Projects (Wrestling, Baseball, Soccer, Boxing)

Estimated Cost: \$ 70,000.00

% of Agency's ARRA Allocation: 4.03%

Est. # of Jobs to be created:

Est. # of Jobs to be retained:

Need for the Project:

Data from the Wichita Public Schools' 2007-2008 year reported that in targeted zip codes, 67214, 67219 and 67208, which have the majority of low-income families, 46 % of the students were not proficient in reading and 57% were not proficient in math.

Additionally it is noted that 46% of the 12th graders did not graduate their senior year.

For young people growing up in low-income communities, the challenges of adolescence are exacerbated by a range of factors, including a lack of economic opportunity for their parents, family instability, difficulty in schools, and the prevalence of

drugs, violence, social isolation and in the case of ethnic and racial minorities, racism. Most low-income youth enter adolescence having already experienced many of these challenges. Consequently, adolescence often represents one of the last opportunities to intervene in the human development of young people and help them overcome the academic, health, and social deficits associated with growing up in poverty. Moreover, adolescence represents one of the last opportunities to access young people in groups, through schools, community centers, and peer groups. For society, adolescence represents the final chance to intervene in the lives of young people before welfare dependency, limited productivity, and other social problems become life patterns that ultimately are more costly as later intervention become necessary.

With today's wealth of video games and increasing computer literacy, daily physical activity is often times forgotten. The Journal of Adolescent Health identifies that youth from lower socioeconomic status groups, seem to be at particularly high risk for inadequate physical activity later in life. Getting your child involved with sports helps them make exercise a part of their lifestyle and increases their chance of a being a healthier adult. Many of these activities have been utilizing the same equipment for the past 10 years. Volunteers and donations currently maintain operating expenses but do not meet the demands for updated equipment, materials and education and training needs.

Strategy:

Athletic activities are partnerships designed by Wichita Police Department (WPD) and community youth. When a child realizes that they are getting better and better at their

sport, they can't help but feel a sense of accomplishment. Choosing a sport that a child can grow and improve in gives that individual an opportunity to build self-esteem. Together, with positive reinforcement from parents, coaches and the community, participants will gain confidence and have a more positive view of themselves. These benefits come from the fact that sports teach many life lessons. Active parent involvement gives parents the best chance of shaping these lessons for their children. Life lessons from sports can include: Respecting others (including opponents), exercising self-discipline, playing fairly, being a good winner or loser, developing teamwork and trust, overcoming challenges and frustrations, learning to deal with criticism, responding positively to disappointments, building health and physical fitness, feeling the pride of accomplishment, taking responsibility for mistakes, showing leadership, making friends, learning to resolve conflict, learning to deal with stress, setting goals, and following rules.

These life lessons benefit youth in whatever course they set in life. These skills are all necessary in selecting, securing and maintaining employment as an adult.

Projects will focus on preventing specific problem behaviors such as school failure, social isolation, violence and the dependence on drugs. They are designed to embrace the promotion of positive development and preparation for adulthood among low-income youth. The vision is to create a learning community in partnership with the athletic organizations which will focus on the overall context in which their participants' development occurs. Outcomes are set so that participants are not only academically competent, but also connected, caring and committed to achieving in academics and in

their lives. The participant will have a solid sense of purpose, and understanding of values, and a chance to succeed.

Math and Science week is a special week known as “Wiz Week” and constitutes one week of an eight week activities camp for kids. During the program campers will be learning skills related to math and science through activities led by certified teachers and in partnership with the National Society of Black Engineer’s (NSBE) Wichita Chapter. Campers will concentrate on floatation, chemistry, motion and energy. The NSBE members will teach the different types of engineering and lead them in various experiments.

Saving Our Sons-neighborhood Based Mentoring Program is a partnership with the Real Men Real Heroes. Their goal is to improve the academic achievement, self-esteem; social competence and avoidance of problem/high risk behavior by providing a relationship with a male adult council who work on the young men developing to their potential.

Story Telling Project is a partnership with the Wichita Griots, which will promote community cultural development and a mutual understanding among young people through the art of storytelling and visual art. Interactive workshops are planned to empower youth to communicate the importance about themselves and their community. Youth will use a medium that cuts across language barriers through the lens of cameras

using both video and pictures. The objective will be to help youth connect to their community and to have that community acknowledge their perspective.

Implementation process:

Projects will be available during the appropriate sports season. Activities will be designed to help get the players back into the mindset of school. Volunteer tutors will work with participants on their math and language vocabulary and other identified academic areas. Volunteers will use various techniques and skills that they will learn from extensive training sessions to teach participants how to learn, get past barriers, and achieve academic success. Projects will focus on continuing the character building and art reinforcement exercises. Activities and discussions will cover character building subjects such as peer pressure, bullying, and conflict resolution. Coaches, community mentors and tutors will be used to help emulate what is being taught from the *"What Do You Stand For?" A Guide to Building Character* book by Barbara A. Lewis. This is a nationally recognized character education program that has shown positive effects in academic achievement and was presented by the staff at the Wichita Public School. In some cases since youth will arrive directly from school to the program and go straight to practice or activity a light meal may be provided to help improve their concentration and help keep them from hunger.

WPD officers involved will provide a positive role model for youth in the community in not only teaching the sport fundamentals, but through instilling leadership, sportsmanship and improved self-esteem of the youth participants in the projects. Officers will provide tutoring sessions focusing on education but will also place

emphasis on making positive choices. These programs will provide juveniles in the community with an alternative to involvement in crime through a positive role model approach. WPD officers donate their time to these projects and act as role models for participants.

Key personnel: Project Directors: NCH, WPD, and CDO

The City of Wichita is providing space, Park and Recreation is providing supervising staff, and the Social Rehabilitation Services is providing some supplies and creation of the academic stats cards, while USD 259 is providing information about their educational standards that the children must reach and providing us access to the children's academic records with the permission from their parents. The Foster Grandparent program is providing grandparents to help with the preparing of snacks and to do some of the activities.

Other resources:

State of Kansas Reentry Program, Social & Rehabilitation Services, Wichita Public Library, Wichita Park and Recreation, Boys and Girls Club, YMCA, USD 259, Catholic Charities Foster Grandparents, Pure and Simple Abstinence Education

Performance targets: See attachment

Impact:

Participating youth will show improvement on their grade card, as well as, an improvement of at least one level in their reading and math skills. Those participating in the character building sessions will show an understanding of key points in character building. Athletic activities will teach youth the importance of fitness, proper nutrition, and the role exercise plays in maintaining good health. Positive experiences play an essential role in raising happy and healthy human beings. Sports provide numerous opportunities for positive experiences both for the youth, the family and the community.

Youth involved in these are activities are more likely to:

- Avoid regular or heavy smoking
- Avoid drugs
- Stay in school
- Have good conduct
- Attain high academic achievement
- Decrease participation in gang activity
- Develop respect and positive relationships with law enforcement officials

The family is more likely to see:

- Increased respect for parents and siblings
- Increased responsibility on the part of the child
- Increase willingness to resolve conflict in a positive way
- Positive results of law enforcement activities

The community is more likely to see:

- Reduced criminal activity
 - Vandalism (including graffiti), illegal drug activity, larcenies,

- Reduced violent crimes against other persons
- Increase community awareness and pride
- Increase in youth volunteers in community service projects
- Positive community action
- Economic growth and development

The primary focus of this project is to keep youth involved in activities and out the court system with positive influences promoting good juvenile behavior and academic success. The activities in this project are sustainable with dedicated and outstanding volunteers.

Project Title: Child and Family Education

“Bilingual Book Club”. A Community Literacy Project to encourage reading at home, “Padres Hacen La Diferencia”- “Fathers Make A Difference”- The importance of the Hispanic Father’s role in their child’s path to lifelong learning; Strengthen Latino Families

Need for the Project:

The importance of reading at home, especially during the summer months, is a major factor in children succeeding in school. It is also crucial that parents take part by encouraging reading to their children. But, the usual scenario during the school year is children bring books home from school to read, but they are in English. The Latino, Spanish-speaking parent cannot relate to the content and plot of their child’s book because of their limited knowledge of English. The lack of knowledge regarding book clubs and study groups has not yet been promoted within the Latino, Spanish-speaking

community. The promotion of this project will help bring families together and expand their awareness of the importance of literacy.

It is important that a father be involved in a child's education with those needs addressed in the local area. Specific attention needs to be paid to the importance of the Hispanic male in their role as father and mentor. This project will focus on the importance of parent involvement in the schools and "how to" become a lifelong learner and promote gang prevention.

There are currently 2,000 special needs children in Sedgwick County whose parent speaks Spanish as their first language. It is a significant and important priority to improve communication. Parents lack the knowledge and information regarding the resources and services available to special needs children. A parent-driven support group will be used to build relationships with parents and community agencies providing services to special needs populations. This group is needed to begin and retain communication with special needs children, specifically in the North High feeder areas. It is crucial to the improvement of children's lives and the Wichita community.

Strategy: Develop plans based on community needs of the targeted parents within the North High feeder area. Develop guidelines and goals for a parent group and select a parent to serve on the Sedgwick County Developmental Disability organization. Establish goals and begin collaboration on the Strengthening Families together materials and on-going educational workshops in Spanish.

Prepare and deliver the Strengthen Families project in a language that can be understood and culturally accepted. Develop parenting focus groups to gather with one

another and discuss parenting concerns, establish self-help groups to increase coping skills, life satisfaction and continued building of positive self-esteem. Prepare information on community support systems and encourage positive impact on families. Select culturally relevant stories that bring about memories of the parent in storytelling activities. Provide information to parents about the school system, encourage parent involvement with their child, assist students in communications with their parents and teachers, and provide information and education in the values of a library system.

Implementation process:

Beginning in June 2009, design and develop focus group and parent driven support groups. Prepare and complete a needs assessment process. Interpret data and recruit parents to join support group. In August 2009 in conjunction with the start of the school year provide workshops sponsored by Families Together.

Develop Parenting and Family group classes on topics identified in needs assessments and cover topics such as the Latino family in the community (unity, loyalty, child and youth development , self-esteem communication and problem solving in marriage and family) as well as child and parent rights and responsibilities.

Key personnel: Evergreen NCH Neighborhood Assistant

Other resources:

Hispanic Women's Network, Senior Services, Evergreen Public Library, Wichita State University, Friends University Sedgwick County Developmental Disability Organization,

Families Together, USD 259 Multilingual Services, Rainbows United, Sedgwick County Health Department

Performance targets: See attachment

Impact:

The activities in this project will bring about improved communications between Spanish-speaking special needs children and disability advocacy organizations. Parent-driven support groups will be instrumental in the continuous improvement of service provision and improved quality of life measures.

Parents will have the opportunity to increase their parenting skills along with their communication skills, self-esteem emotional support mechanisms. Individuals will come together to share their common appreciation of support and information. Another benefit is developing trust and personal relationships vital to establishing community networks and partnering with other organizations and having volunteers who are bilingual.

Parents are the primary role models for their children. Parental involvement can be difficult due to language learning issues. Parents and students reading together will help the family encourage the value of education. Project success, volunteers and donations will be able to sustain these projects.

Project Title: Library

Estimated Cost: \$100,000

% of Agency's ARRA Allocation: 5.76%

Est. # of Jobs to be created:

Est. # of Jobs to be retained: 2

Need for the Project:

At the present time, the library is anticipating a 21% reduction in state grant-in-aid funding going into 2010. Employee positions and public computing services for the branches are greatly impacted by this reduction. An April 2009, snapshot survey of public computing use throughout the library system indicated that nearly half of all computer users reported that they were at the library working on activities related to employment or small business services. Nearly 10%, but as many as 18% at the Alford branch library, were using computers to file for unemployment benefits. The library needs to be able to maintain these services at their current levels.

Library also has needs in the areas of collection development. In recent years, the Library has been able to supplement the City General Fund materials budget by nearly 30%. In 2010, Library is anticipating at least a 10% cut in the City General Fund Budget in order to meet reduction requirements. On the grant side, distributions from Library Foundation endowments were cut in half by economic downturns. The Interlibrary Loan Development grant from the state has already been cut by 15% and additional cuts are expected in the upcoming year.

Purchasing power is decreasing; demand on Library collections is increasing. Circulation of library materials during March 2009 was 16.7% higher than in March of 2008. Use of all parts of the collection is growing. However, there is an increase usage in self-help and how-to manuals as individuals seek to do for themselves what they have previously paid others to do for them. Entertainment collections are in high

demand as families are foregoing nights at the theatre, cancelling cable television services and are making use of library materials.

Strategy:

Maintain services to Library through the funding of 2 full time employees and a branch library located in a low-income area of Wichita. Provide Library with funding for purchases to the Library collections. Provide educational information to customers on the benefits and savings of library usage.

Implementation process:

Submit funding source information to payroll clerks for 2 full time employees at the Evergreen branch library. Develop a plan to review the purchase of Library collection material to meet the needs of low-income areas and families. Prepare and pay for the purchase of materials that will provide a benefit.

Key personnel: Project director: Cynthia Brenner, Library Director, and Evergreen Branch Manager Library Assistant II.

Other resources:

Impact:

As individuals and families are faced with economic hardships, difficult decisions must occur: cancelling magazine and newspaper subscriptions, reducing the purchase of books for pleasure reading and educational achievement, reducing cable and phone expenses as well as reducing dollars spent on entertainment. By maintaining Library

services individuals will be able to continue to use and rely on these services. Families will be able to pursue their interests while decreasing their expenses by utilizing the Library's magazines and newspapers, music and movies, self-help materials and children's activities. Additionally, Library can offer internet services to enhance the employment search efforts, career exploration, educational investigation and achievement, stress management and financial literacy. Library staff continually looks for creative ways to enhance and maintain collections and services and will do so during this economically challenging time.

D. Discussion of Agency Capacity

1. Include information that will demonstrate the entity's ability to successfully execute the project(s).

The mission of the City of Wichita is to provide an environment to protect the health, safety and well being of all who live and work in the community. In directing policies and programs toward that end, the City assumes a stewardship role to preserve the assets and natural resources entrusted to its growth, to assure equality of opportunity and to contribute to the quality of life for all citizens.

The City through the Career Development Office (CDO) and its predecessors has administered and operated the CSBG Program and federal employment and training programs for more than thirty years. In addition to fiscal, legal, and management services, the City's structure provides CDO:

- ▼ a culture that combines high performance expectations with
compassionate client services

- ✓ a team approach to program development, using the knowledge and experience of front-line staff
- ✓ an openness to trying new service approaches, tracking success and re-directing efforts if warranted
- ✓ streamlined client processes
- ✓ an evaluation system holding staff professionally accountable for their clients' outcomes
- ✓ a reputation among other agencies for fair treatment of clients, open communications with colleagues, a positive attitude toward coordination and resource sharing, and a willingness to go the extra mile to meet the needs of customers
- ✓ continuous staff training and development

2. Describe processes that provide assurance that the entity is capable of rigorous stewardship and clear accountability for grant funds.

The City's Controller's Office is responsible for accurate accounting of financial transactions and the periodic financial reporting for the City and its component units.

This office is also responsible for providing accounting internal controls and working with the City's external and internal auditors. The Controller's Office administers grant funds totaling approximately \$6 million annually and provides accounting support to City Departments.

3. Describe methods that will be used to insure the agency's ability to track and report separately its expenditures from funds made available by the ARRA.

In its role of providing accounting support to City Departments, the Controller's Office has designed a method of tracking and reporting separately ARRA expenditures. This method will involve issuance of a separate fund number for ARRA funding with distinct labeling and numbering properties. Each ARRA project will be issued a distinct Organizational Cost Account (OCA) number, which will allow City accounting system users to easily track and capture grant financial data for reporting and accounting purposes.

4. Describe methods that will be used to insure the agency's ability to track and report the impact of ARRA Expenditures.

The CDO is aware that receipt of ARRA funds requires a commitment to track and report the impact of ARRA expenditures. Therefore CDO staff is in discussions with the City Controller's Office and the ARRA Development Coordinating Committee about a uniform method of reporting all City stimulus information and the centralization of the process.

5. Identify how performance and outcome data will be used to evaluate the projects' successes.

The CDO Manager is the City of Wichita's system administrator for the CAPTAIN database, which is the authorized software used to manage data and outcomes of the CSBG Program, and which is the software planned for use to manage data and outcomes of the CSBG ARRA Program. The CDO Manager maintains and revises the database as needed and will train the Fiscal Analyst position funded through ARRA to complete the ARRA program reports. Consumer data and outcomes for ARRA direct service funded activities will be collected and reported using the CAPTAIN database.

Partners provide monthly and quarter reports. All the data is then aggregated and recorded in the CAPTAIN database to meet reporting requirements. Ad hoc reports are used to:

- ✓ Provide information needed by the CSBG Review Committee for their strategic planning, decision making and delivery of services review
- ✓ To error trap, to insure the integrity of the data
- ✓ For staff information, case size reports
- ✓ To determine successful activities
- ✓ To produce statistical information as requested/needed
- ✓ To track current contact information
- ✓ To generate lists for mailing/referral information

E. Performance Targets:

National Community Action Goal:												
Indicator		Identify Specific Interventions (Services/Activities) To Be Provided	Unit of Measure <i>(Households, Individuals, Projects, Opportunities, Hours, Dollars, or Partners)</i>	No. of Units Expected to Achieve Targeted Indicators								Method and Frequency of Data Collection
				FFY 2009				FFY 2010				
No.	Descriptor			CSBG PY 2010								
				Oct. '08 – Dec. '08	Jan. '09 – Mar. '09	Apr. '09 – June '09	July '09 – Sept. '09	Oct. '09 – Dec. '09	Jan. '10 – Mar. '10	Apr. '10 – June '10	July '10 – Sept. '10	
1.2A	Employment Supports	Laid Off Workers Center Pre-employment skills/competencies/resume writing/customer service classes	Individuals			0	200	200	200	200	200	Attendance reports collected weekly and reported monthly
1.2A	Employment Supports	Working Women	Individuals			0	15	20	25	30	30	Quarterly reports
1.2J	Employment Supports	Obtain clothing, equipment and or tools to gain or retain employment	Individuals			0	100	100	100	100	100	Follow up reports collated at appointment time and reported quarterly
2.1A	Community improvement and revitalization	Create and retain jobs	Individuals			0	11	0	0	0	0	By weekly timesheets collected and reported quarterly
2.2B	Community Quality of Life and Assets	Maintain availability of branch library	Opportunities			8,000	25,000	25,500	25,500	25,500	25,000	By weekly timesheets and library circulation reports
2.2C	Community Quality of Life and Assets	Stop Blight Action Response Team	Opportunities			0	690	600	600	600	690	Quarterly reports
2.2C	Community Quality of Life and Assets	Neighborhood Forestry	Projects			0	10	0	0	10	6	Quarterly reports
2.2C	Community Quality of Life and Assets	Pet Population: Heath and Safety Options	Project			0	150	100	150	150	100	Quarterly reports
2.2E	Quality of Life and Assets, Neighborhoods	Improve public spaces and cleanup	Opportunities			0	50	50	50	100	100	Quarterly reports
3.1	Civic Investment	Volunteer hours	Hours			0	600	600	500	500	600	Quarterly reports, end of activity reports
4.1	Expanding Partnerships	Develop Partnerships	Partnerships			15	30	0	0	0	0	Quarterly reports

5.1	Broadening the Resource Base	Increase private sources	Dollars			0	\$4350	\$4350	\$3625	\$3625	\$4350	Quarterly reports
6.3B1	Youth improve physical health and development	Youth Athletic Activities (Ballplayer & Scholars Insight Camp, Wolf Pack Wrestling, boxing, baseball, soccer...)	Individuals			100	300	100	100	150	300	End of activity reports, quarterly crime rate statistics
6.3B2	Youth improve social/emotional development	NCH Family Projects (Story Telling Project, Strengthening Latino Families, Special Needs for Latino Children, Bilingual Book Club...)	Individuals			0	300	100	100	100	300	End of activity reports
6.3B3	Youth avoid risk taking behavior	Saving our Sons-Neighborhood Based Mentoring Program Athletic activities	Individuals			0	340	100	100	100	300	End of activity reports, quarterly crime rate statistics
6.3B5	Increase academic, athletic or social skills	Youth Activities (Ballplayers & Scholars Insight Camp, Math and Science Week, Saving our Sons-Neighborhood Based Mentoring program)	Individuals			100	300	100	100	150	300	End of term grade reports, end of activity reports
6.3C2	Improve family functioning skills	Strengthening Latino Families, Special Needs for Latino Children, Bilingual Book Club	Individuals			0	50	50	75	0	0	Quarterly reports

*Indicator will be used for Internal Evaluation – Agency ROMA Cycle

COW FFY 2009/2010 ARRA Application Projects

Total City of Wichita Allocation = \$ 1,736,332.00

Project Title	Estimated Cost	% of Agency's ARRA Allocation
Laid Off Worker's Center	\$ 286,000.00	16.47%
Working Women	\$ 60,000.00	3.46%
Technology Upgrades	\$ 79,391.00	4.57%
Stop Blight Action Response Team	\$ 543,016.00	31.27%
Neighborhood Forestry	\$ 260,000.00	14.97%
Pet Population: Health and Safety Options	\$ 155,000.00	8.93%
Youth Crime Prevention and Youth Development Activities	\$ 70,000.00	4.03%
Library	\$ 100,000.00	5.76%
Child and Family Education Services	\$ 50,000.00	2.88%
Administrative Costs	\$ 132,925.00	7.66%
Totals =	\$ 1,736,332.00	100.00%

2009-2010 CSBG ARRA Position Information

Project	Created	Retained
1 Laid Off Workers Center	0	2
2 Working Women	0	1
3 Technology Upgrades	1	
4 Stop Blight	0	7
5 Neighborhood Forestry	(existing workforce)	
6 Pet Population	0	1
7 Youth Crime Prevention	(existing workforce)	
8 Library	0	2
9 Child and Family Education	(existing workforce)	

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: Hydraulic Improvement, between Harry and Kellogg.
(District I)

INITIATED BY: Department of Public Works

AGENDA: New Business

Recommendation: Approve the right-of way budget.

Background: On November 20, 2007, the City Council approved the design concept and design funding to improve Hydraulic, between Harry and Kellogg. Construction funding had not yet been identified. Recently, the project was selected for America Recovery and Reinvestment Act (ARRA) construction funding.

Analysis: The existing roadway is a two-lane urban section. The approved design concept is a three lane roadway with two through lanes and a center two-way left turn lane. The intersections at Lincoln and Harry will be reconstructed to provide left turn lanes at all four approaches and improved signalization. The storm water sewer system will be upgraded and 5' wide sidewalks installed along both sides of the street. Construction is planned to begin later this year to qualify for ARRA funding.

Financial Considerations: On November 20, 2007, the City Council approved \$277,500 for the design of this project, even though right-of-way and construction money was not available. Wichita Area Metropolitan Planning Organization (WAMPO) has selected this project for construction funding (\$2,970,000) through the ARRA stimulus program. To get this project ready for construction by fall, several parcels of right-of-way are needed. Staff is requesting that council authorize a \$250,000 budget for right-of-way, resulting in an approved local budget amount of \$527,500.

The currently approved CIP has \$3,250,000 in General Obligation (G.O.) Bonds budgeted in 2009 for the construction of the Maize Road project from Kellogg to Pawnee (District IV). This project was also selected by WAMPO for ARRA construction funding, freeing up the G.O. Bond money previously budgeted. Staff recommends that the additional \$250,000 needed for right-of-way acquisition on Hydraulic be taken from these funds.

Goal Impact: This project addresses the Efficient Infrastructure goal by improving traffic flow through a major transportation corridor.

Legal Considerations: The Law Department has approved the amending ordinance as to legal form.

Recommendation/Action: It is recommended that the City Council approve the increased budget of \$527,500, place the amending ordinance on first reading and authorize the signing of State/Federal agreements as required.

Attachments: Map, CIP sheet and ordinance.

Published in the Wichita Eagle on

ORDINANCE NO. 48-327

AN ORDINANCE AMENDING ORDINANCE NO. **47-692** OF THE CITY OF WICHITA, KANSAS DECLARING **HYDRAULIC, BETWEEN HARRY AND KELLOGG (472-84310)** TO BE A MAIN TRAFFICWAY WITHIN THE CITY OF WICHITA, KANSAS; DECLARING THE NECESSITY OF AND AUTHORIZING CERTAIN IMPROVEMENTS TO SAID MAIN TRAFFICWAY; AND SETTING FORTH THE NATURE OF SAID IMPROVEMENTS, THE ESTIMATED COSTS THEREOF, AND THE MANNER OF PAYMENT OF THE SAME.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS;

SECTION 1. SECTION 1 of Ordinance No. **47-692** is hereby amended to read as follows:

“SECTION 1. SECTION 3 of Ordinance No. **46-847** is hereby amended to read as follows:

SECTION 3. The cost of the construction of the above described improvements is estimated to be **Five Hundred Twenty-Seven Thousand Five Hundred Dollars (\$527,500)** exclusive of the cost of interest on borrowed money, with the total paid by the City of Wichita. Said City cost, when ascertained, shall be borne by the City of Wichita at large by the issuance of General Obligation Bonds under the authority of K.S.A. 12-689.”

SECTION 2. The original SECTION 1 of Ordinance No. **47-692** is hereby repealed.

SECTION 3. That the City Clerk shall make proper publication of this ordinance, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the Governing body of the City of Wichita, Kansas this 19th day of May, 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

APPROVED AS TO FORM:

Gary Rebenstorf
Director of Law



CAPITAL IMPROVEMENT

PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project	
To Revise Project	X

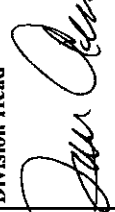
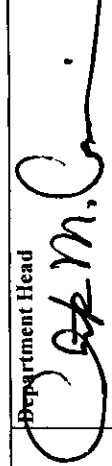


1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 4/21/2009	4. Project Description & Location Hydraulic; Harry - Kellogg
5. CIP Project Number MS-	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date
9. Estimated Start Date	10. Estimated Completion Date	11. Project Revised	
As Required			
12. Project Cost Estimate			
ITEM	GO	SA	KDOT
Right of Way	\$527,500		\$527,500
Paving, grading & const.			
Bridge & Culverts			
Drainage			
Sanitary Sewer			
Sidewalk			
Water			
Railroad			
Totals	\$527,500		\$527,500
Total CIP Amount Budgeted			472-84310
Total Prelim. Estimate			

Platting Required	Yes	No
Lot Split		
Petition		
Ordered by WCC	X	

Remarks:

13. Recommendation: Approve the budget increase and amending Ordinance

Division Head 	Department Head 	Budget Officer 	City Manager 
Date	Date	Date	Date

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: ZON2009-00008 – City zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) subject to a Protective Overlay; generally located northeast of the intersection of K-15 and 31st Street South. (District III)

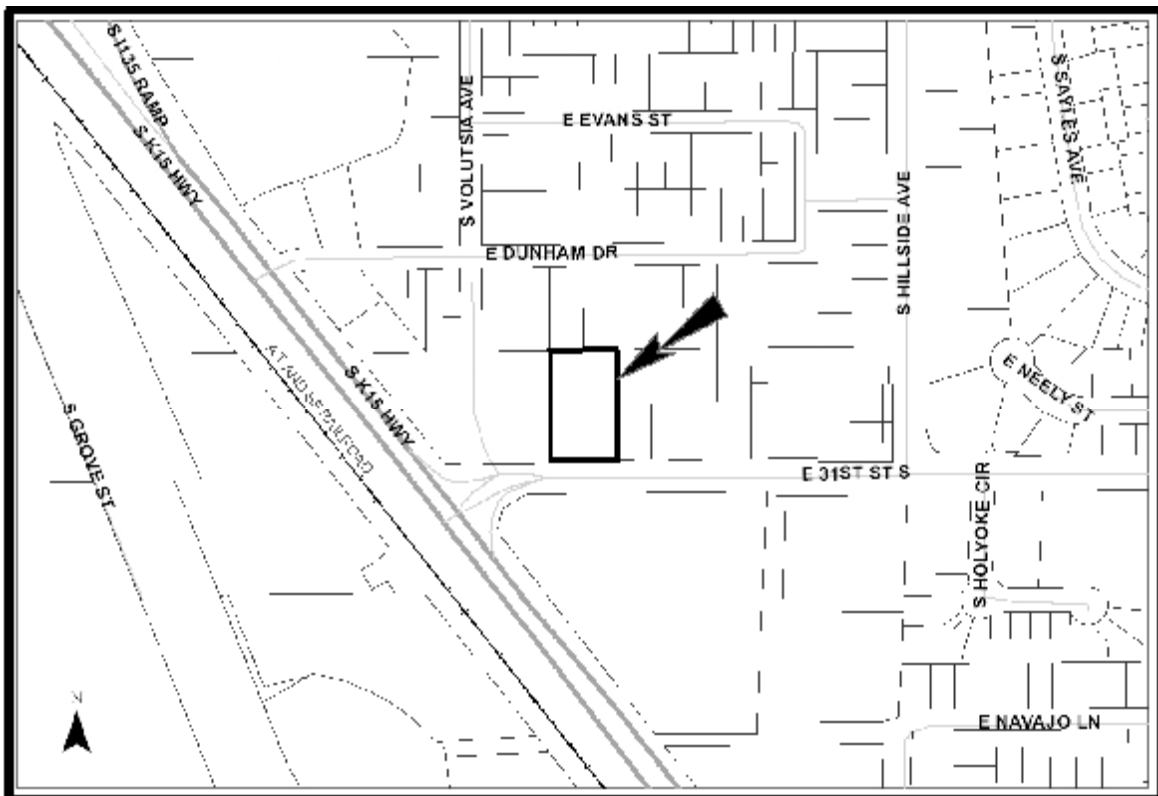
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

DAB III Recommendation: Approve, per planning staff recommendations, with Protective Overlay #230, vote (7-0)

MAPC Recommendation: Approve, subject to staff recommendations, with Protective Overlay #230, vote (11-0)

MAPD Staff Recommendation: Approve, with a Protective Overlay



Background: The application area is located northeast of the corner of 31st Street South and K-15 and is currently zoned LC Limited Commercial (“LC”). The applicant is requesting the property to be rezoned to GC General Commercial (“GC”). Access to the site is off of 31st Street South. The site is currently classified as being developed with an automobile service garage with a paint shop. The use of the site as an automobile service garage is a legal activity in the LC district, per the Unified Zoning Code (“UZC”); however, the use of the paint shop for detailing and vehicle body work is not permitted in the LC zoned district. This site has been used for automobile related uses over the years. The applicant has applied for the rezone to bring the site into conformance with the uses currently operating on the site. Staff recommends that a Protective Overlay (“PO”) be included with this zone change to limit the uses allowed on this site. The proposed PO will exclude all uses within the GC zone district except “vehicle repair, general.” The PO will also have the applicant remove all inoperable vehicles from the property and require that any vehicles waiting for repair be screened from ground view from 31st Street South and from adjoining and adjacent properties.

The zoning of the surrounding property is predominately LC. Property to the north is zoned SF-5 Single-family Residential (“SF-5”) and is currently developed with single-family residences. Property to the east of the subject site is zoned LC Limited Commercial (“LC”) and OW Office Warehouse (“OW”) and is currently developed as a bar/tavern and a warehousing operation. Property to the south of the subject site is zoned LC and is developed with a mobile home park. Property to the west of the subject site is zoned LC and is developed with a vehicle repair shop and an available commercial building.

The subject site is in Flood Zone X, which identifies the area as being in a flood insurance rate zone that corresponds to areas outside the 100-year floodplain, and by areas protected from the 100-year flood by levees.

Analysis: At the DAB III meeting held on April 1, 2009, the DAB voted (7-0) to recommend approval per planning staff recommendations with a Protective Overlay. No citizens spoke on the case, but there was some general discussion between the DAB members and planning staff. There was no opposition to the request.

At the MAPC meeting held April 9, 2009, the MAPC voted (11-0) to recommend approval of the request for GC zoning subject to staff recommendations and Protective Overlay #230 with the recommended provisions stated below. There were no citizens who spoke on the case.

- (1) Permitted uses are those permitted by right in the LC Limited Commercial (“LC”) zone district plus “vehicle repair, general” as allowed in the GC General Commercial (“GC”) zone district.
- (2) No off-site or portable signs shall be permitted.
- (3) All vehicles parked or stored outside of a building in need of “vehicle repair, general” must be located behind the buildings on the west side of the property and screened from ground view from 31st Street South, and from adjoining and adjacent properties. “Vehicle repair, general” work is only permitted inside an enclosed building. The outside storage of parts is prohibited. Activities deemed by the Unified Zoning Code to be “wrecking or salvage” are not permitted.
- (4) The site shall be developed in conformance with all applicable regulations.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change with Protective Overlay #230 and place the ordinance on first reading; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Attachments:

- DAB III Memo
- MAPC Minutes
- Ordinance



**INTEROFFICE
MEMORANDUM**

TO: MAPC Members
FROM: Janet Johnson, Neighborhood Assistant, District III
SUBJECT: **ZON2009-00008**: request to rezone from Limited Commercial to General Commercial – 2822 E. 31st St. S.
DATE: April 3, 2009

On Wednesday, April 1, 2009, the District III Advisory Board considered a request for a change in zoning from Limited Commercial to General Commercial at 2822 E. 31st St. South.

The DAB Members were provided the public notice and MAPD staff report for review.

The DAB members voted 7-0 to support the staff recommendation for the zoning change from LC to GC with the protective overlay.

Please review this information when **ZON2009-00008** is considered.

EXCERPT OF THE APRIL 9, 2009 MAPC HEARING

Case No.: ZON2009-08 – Laverne Miller (owner/applicant) Request City zone change from LC Limited Commercial to GC General Commercial on property described as:

Lots 4 and 5 Except the South 10 feet for Street and that part of Lot 6 described as beginning at the Northwest corner; thence South 90.3 feet; thence East 1.13 feet; thence Northerly 90.3 more or less to beginning, Edminster Gardens Addition, Sedgwick County, Kansas (2822 E. 31st St S., Wichita, KS 67202); generally located northeast of the intersection of K-15 and 31st Street South (2822 East 31st Street South).

BACKGROUND: The application area is located northeast of the corner of 31st Street South and K-15, and is currently zoned LC Limited Commercial (“LC”). The applicant is requesting the property be rezoned to GC General Commercial (“GC”). Access to the site is off of 31st Street South. The site is currently classified as being developed with an automobile service garage with a paint shop. The use of the site as an automobile service garage is a legal activity in the LC district, per the Unified Zoning Code (“UZC”); however, the use of the paint shop for detailing and vehicle body work is not permitted in the LC zoned district. This site has been used for automobile related uses over the years. The applicant has applied for the rezone to bring the site into conformance with the uses currently operating on the site. Staff recommends that a Protective Overlay (“PO”) be included with this zone change to limit the uses allowed on this site. The proposed PO will exclude all uses within the GC zone district except “vehicle repair, general.” The PO will also have the applicant remove all inoperable vehicles from the property, and require that any vehicles waiting for repair be screened from ground view from 31st Street South and from adjoining and adjacent properties.

The zoning of the surrounding property is predominately LC. Property to the north is zoned SF-5 Single-family Residential (“SF-5”), and is currently developed with single-family residences. Property to the east of the subject site is zoned LC Limited Commercial (“LC”) and OW Office Warehouse (“OW”), and is currently developed as a bar/tavern and a warehousing operation. Property to the south of the subject site is zoned LC, and is developed with a mobile home park. Property to the west of the subject site is zoned LC, and is developed with a vehicle repair shop and an available commercial building.

The subject site is in Flood Zone X, which identifies the area being in a flood insurance rate zone that corresponds to areas outside the 100-year floodplain, and by areas protected from the 100-year flood by levees.

CASE HISTORY: The application area is platted as Lots 4 & 5, Edminster Gardens Addition, recorded May 9, 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Residences
SOUTH:	LC	Mobile Home Park
EAST:	LC	Bar
WEST:	LC	Auto Repair/Paint Shop/Detailing

PUBLIC SERVICES: All public services are available to the site. 31th Street, along the south side of the subject site, is a paved four-lane minor arterial, (Source: Federal Roadway Functional Classification Map,

ZON2009-00008

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WAMPO) with approximately 22,000 average daily trips. Southeast Boulevard (K-15) is a paved four-lane freeway and expressway with approximately 30,000 average daily trips. Volutsia Street, just west of the subject site, is a paved two-lane local road with no daily trip counts. All municipal services are available to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” “This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” In terms of conformance with commercial goals/objectives/strategies and location guidelines, the application conforms with the Commercial/Office Objective to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as Strategy III.B.6 recommends that traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.

Commercial Location Guideline #1 of the *Comprehensive Plan* recommends that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The proposed development complies with this guideline. Commercial Location Guidelines #3 recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use; #5 commercially-generated traffic should not feed directly onto local residential streets; and #6 commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

RECOMMENDATION: Auto body work and paint shops have traditionally been separated from more limited repair shops in the zoning code, because of their tendency to generate more noise, odors and outside storage. However, this site has been operating as a vehicle repair, general operation for many years. Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, subject to the provisions of a Protective Overlay (PO):

- (1) Permitted uses are those permitted by right in the LC Limited Commercial (“LC”) zone district plus “vehicle repair, general” as allowed in the GC General Commercial (“GC”) zone district.
- (2) No off-site or portable signs shall be permitted.
- (3) All vehicles parked or stored outside of a building in need of “vehicle repair, general” must be located behind the buildings on the west side of the property and screened from ground view from 31st Street South, and from adjoining and adjacent properties. “Vehicle repair, general” work is only permitted inside an enclosed building. The outside storage of parts is prohibited. Activities deemed by the Unified Zoning Code to be “wrecking or salvage” are not permitted.
- (4) The site shall be developed in conformance with all applicable regulations.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The zoning of the surrounding property is predominately LC. Property to the north is zoned SF-5 Single-family Residential (“SF-5”), and is currently developed with single-family residences. Property to the east of the subject site is zoned LC Limited Commercial (“LC”) and OW Office Warehouse (“OW”), and is currently developed as a bar/tavern and a warehousing operation. Property to the south of the subject site is zoned LC, and is

developed with a mobile home park. Property to the west of the subject site is zoned LC and is developed with a vehicle repair shop and an available commercial building.

2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC Limited Commercial. The LC district permits a wide range of retail and office uses that could be appropriate at this location.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: This property is located adjacent to or near LC, OW and LI zoned property. Approval of this request will not introduce zoning or potential uses into the area that do not already exist.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Denial of the request would cause the applicant an economic hardship since one of the uses on the site is an existing vehicle repair, general operation. Approval of the request will allow this property to be utilized in a manner appropriate for this location and the proposed PO will mitigate any potential negative impacts that could affect nearby properties.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” “This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of uses includes medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing.” The current zoning request for GC, subject to the recommended protective overlay, for the 0.3-acre subject site is in conformance with the Comprehensive Plan’s recommended development. In terms of conformance with commercial goals/objectives/strategies and location guidelines, the application conforms with the Commercial/Office Objective to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as Strategy III.B.6 Channel traffic generated by commercial activities to the closest major thorough-fare with minimum impact upon local residential streets.
6. Impact of the proposed development on community facilities: All services are in place, and any increased demand on community facilities can be handled by current infrastructure.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, **MITCHELL** seconded the motion, and it carried (11-0).

ORDINANCE NO. 48-328

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2009-00008

Zone change request from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) subject to Protective Overlay #230 on properties described as:

Lots 4 and 5 Except the South 10 feet for Street and that part of Lot 6 described as beginning at the Northwest corner; thence South 90.3 feet; thence East 1.13 feet; thence Northerly 90.3 more or less to beginning, Edminster Gardens Addition, Sedgwick County, Kansas; generally located northeast of the intersection of K-15 and 31st Street South (2822 E. 31st Street South)

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #230:

- (1) Permitted uses are those permitted by right in the LC Limited Commercial (“LC”) zone district plus “vehicle repair, general” as allowed in the GC General Commercial (“GC”) zone district.
- (2) No off-site or portable signs shall be permitted.
- (3) All vehicles parked or stored outside of a building in need of “vehicle repair, general” must be located behind the buildings on the west side of the property and screened from ground view from 31st Street South, and from adjoining and adjacent properties. “Vehicle repair, general” work is only permitted inside an enclosed building. The outside storage of parts is prohibited. Activities deemed by the Unified Zoning Code to be “wrecking or salvage” are not permitted.
- (4) The site shall be developed in conformance with all applicable regulations.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

ZON2009-00008

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SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 19th day of May, 2009.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

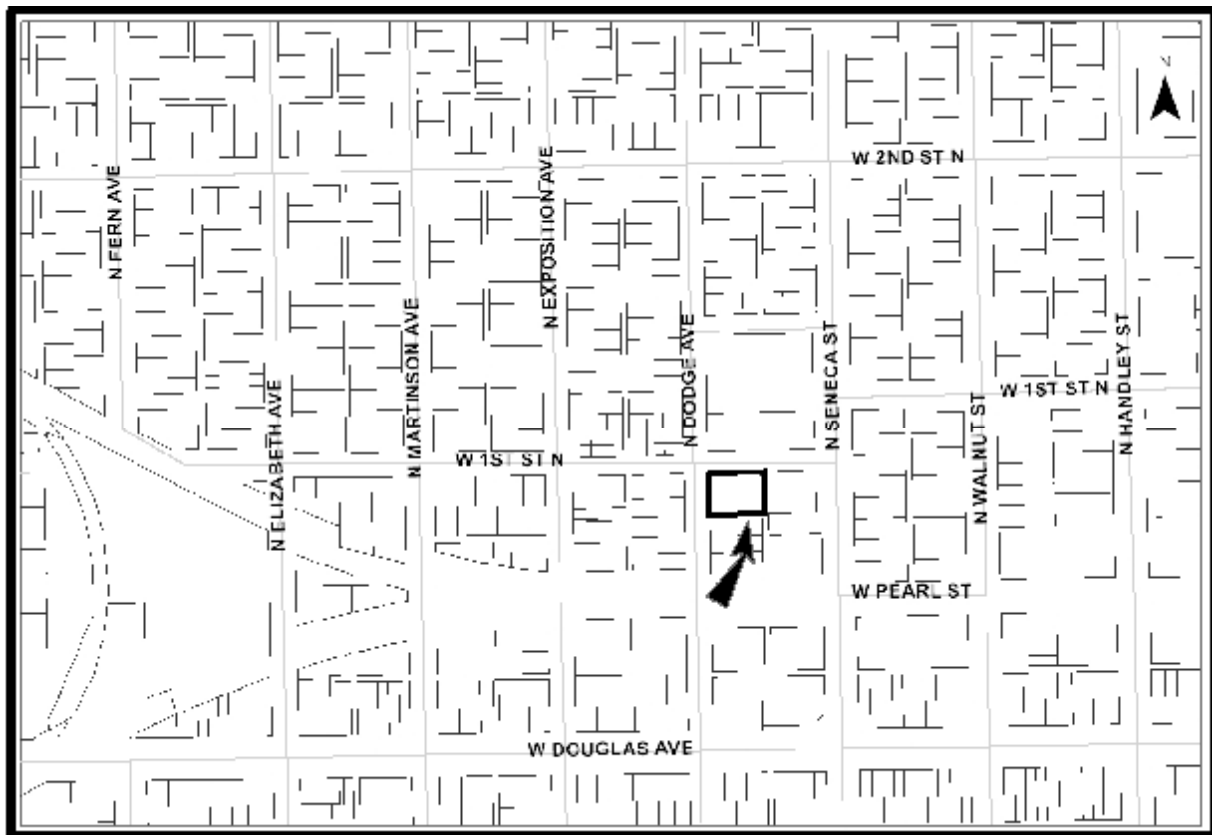
SUBJECT: ZON2009-00009 – City zone change from B Multi-family Residential (“B”) to GC General Commercial (“GC”); generally located on the southeast corner of Dodge Avenue and 1st Street. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to staff recommendations, vote (10-0-1)

MAPD Staff Recommendation: Approve



Background: The applicant is requesting GC General Commercial (“GC”) zoning on Lots 32, 34, 36, 38 and half of the vacated alley on the east side of the site, Martinson’s 6th Addition, located at the southeast corner of Dodge Avenue and 1st Street. The site is currently zoned B Multi-family Residential (“B”) and is vacant. The site has access to Dodge Avenue and 1st Street, with Dodge being classified as a residential street and 1st Street being classified as an urban collector.

The site is part of a block-wide area with a majority of the area being zoned GC. The southeast corner is zoned LI Limited Industrial (“LI”) and the northwest corner (location of the subject site) is zoned B. Currently, the only development on the block (warehouse/distribution center) is located directly to the south of the subject site with the rest of the block remaining undeveloped. The applicant owns all the property on the block that fronts Dodge Avenue and is requesting this zone change to match the zoning of the remainder of the applicants’ ownership on the adjacent property to the south to allow for the full development of the property.

Property to the east of the site is zoned GC and is currently undeveloped. Property located north of 1st Street is zoned LC Limited Commercial (“LC”), and is developed with a general office use. Property south of the subject site, owned by the applicant, is zoned GC and is developed with a warehouse/distribution center. Property west of the subject site, across Dodge Avenue, is zoned SF-5 Single-family Residential (“SF-5”) and is developed with single-family residences.

Analysis: At the MAPC meeting held April 9, 2009, the MAPC voted (10-0-1) to recommend approval of the request for GC zoning subject to staff recommendations. There were no citizens who spoke on the case. There was one question from a commission member in regards to if the vacated alley is still used as access to the site. Staff answered that it was not, and that there appears to be only one point of access to the site off of Dodge Avenue.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading;
or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

Attachments:

- MAPC Minutes
- Ordinance

EXCERPT OF THE APRIL 9, 2009 MAPC HEARING

Case No.: ZON2009-09 – Eaglenest Management, LLC, c/o Jeremy Rodrock (owner/applicant); Savoy Company, P.A., c/o Mark Savoy Request City zone change from B Multi-Family Residential to GC General Commercial on property described as:

Lots 32, 34, 36 and 38, on Dodge Avenue, Martinson's 6th Addition to Wichita, Sedgwick County, Kansas, generally located on the southeast corner of Dodge Avenue and First Street.

BACKGROUND: The applicant is requesting GC General Commercial (“GC”) zoning on Lots 32, 34, 36, 38 and half of the vacated alley on the east side of the site, Martinson’s 6th Addition, located at the southeast corner of Dodge Avenue and 1st Street. The site is currently zoned B Multi-family Residential (“B”), and is vacant. The site has access to Dodge Avenue and 1st Street, with Dodge being classified as a residential street and 1st being classified as an urban collector.

The site is part of a block-wide area with a majority of the area being zoned GC. The southeast corner is zoned LI Limited Industrial (“LI”) and the northwest corner (location of the subject site) is zoned B. Currently the only development on the block (warehouse/distribution center) is located directly to the south of the subject site, with the rest of the block remaining undeveloped. The applicant owns all the property on the block that fronts Dodge Avenue, and is requesting this zone change to match the zoning of the remainder of the applicant’s ownership on the adjacent property to the south to allow for the full development of the property.

Property to the east of the site is zoned GC, and is currently undeveloped. Property located north of 1st Street is zoned LC Limited Commercial (“LC”), and is developed with a general office use. Property south of the subject site, owned by the applicant, is zoned GC and is developed with a warehouse/distribution center. Property west of the subject site, across Dodge Avenue, is zoned SF-5 Single-family Residential (“SF-5”), and is developed with single-family residences.

CASE HISTORY: The site is currently located within the Delano Overlay District which was approved on April 11, 2003. The site is part of the Martinson’s 6th Addition, which was recorded with the Register of Deeds September 24, 1907.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	General Office
SOUTH:	GC	Warehouse
EAST:	GC	Vacant
WEST:	SF-5	Single-family Residence

PUBLIC SERVICES: All municipal services and utilities are available. Dodge Avenue is a paved residential street. 1st Street is a paved two-lane urban collector, while North Seneca Street is a paved four-lane principal arterial. Currently, there are approximately 30,000 average daily trips on the North Seneca Street near the 1st Street intersection. There appears to be 50-feet of right-of-way at this location along 1st Street and 60-feet of right-of-way for Dodge Avenue.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as “Local Commercial.” This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market

draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing. In terms of conformance with commercial goals/objectives/strategies and location guidelines, the application conforms with the **Commercial/Office Objective** to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as **Strategy III.B.6** which recommends that “traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.”

Commercial Location Guideline #1 of the *Comprehensive Plan* recommends that commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion. The proposed development complies with this guideline. **Commercial Location Guidelines #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use; **#5** commercially-generated traffic should not feed directly onto local residential streets; and **#6** commercial uses that are not located in planned centers or nodes (including large free-standing buildings, auto-related and non-retail uses) should be guided to other appropriate areas such as the CBD fringe; segments of Kellogg; established areas of similar development; and, areas where traffic patterns, surrounding land uses and utilities can support such development.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for the GC General Commercial (“GC”) zoning be **APPROVED.**

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property to the east of the site is zoned GC, and is currently undeveloped. Property located north of 1st Street is zoned LC Limited Commercial, and is developed with a general office use. Property south of the subject site, owned by the applicant, is zoned GC, and is developed with a warehouse/distribution center. Property west of the subject site, across Dodge Avenue, is zoned SF-5, and is developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The site is currently zoned “B” Multi-family Residential. The “B” district primarily restricts the site to residential uses. Given the existence of a commercial building immediately south of the application area, the ownership pattern, and the land being used for commercial and industrial uses to the north, south and east, similar to the subject site, this site is becoming less desirable for infill residential development.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested zone change of B to GC is in character with the area and would not detrimentally affect nearby property, of which most of it is zoned LC, GC or LI and is developed with warehousing or office uses.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval of the request would allow for the possible legal expansion of an existing business onto a lot that is owned by the applicant. Failure to approve the request would make any expansion by this business at this location an illegal use on the current zoning.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as “Local

Commercial.” This category encompasses areas that contain concentrations of predominately commercial, office and personal service uses that do not have a significant regional market draw. The range of recommended uses includes: medical or insurance offices, auto repair and service stations, grocery stores, florist shops, restaurants and personal service facilities. On a limited presence basis, these areas may also include mini-storage warehousing and small scale, light manufacturing. In terms of conformance with commercial goals/objectives/strategies and location guidelines, the application conforms with the Commercial/Office Objective to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as Strategy III.B.6 which recommends that “traffic generated by commercial activities be channeled to the closest major thorough-fare with minimum impact upon local residential streets.”

6. Impact of the proposed development on community facilities: GC uses are capable of generating some of the highest traffic rates. Therefore, the possible dedication of additional street right-of-way and/or complete access control by separate instrument along Dodge Avenue would address potential increased demand on community facilities.

DERRICK SLOCUM, Planning Staff presented the Staff Report.

MITCHELL asked if properties currently had access via that alley on the west.

SLOCUM said he did not believe so. He said they do have access from Dodge.

MARK SAVOY, REPRESENTING THE APPLICANT said they are in agreement with staff comments.

MCKAY commented that he owned property in the area and said he would abstain from voting on this issue.

MOTION: To approve subject to staff recommendation.

HILLMAN moved, **JOHNSON** seconded the motion, and it carried (10-0-1).

MCKAY – abstained.

ORDINANCE NO. 48-329

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2009-00009

Zone change request from B Multi-family Residential (“B”) to GC General Commercial (“GC”) on properties described as:

Lots 32, 34, 36 and 38, Martinson's 6th Addition to Wichita, Sedgwick County, Kansas; generally located on the southeast corner of Dodge Avenue and 1st Street.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 19th day of May, 2009.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

ZON2009-00009

Wichita City Council – May 12, 2009

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Gary E. Rebenstorf, Director of Law

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: ZON2009-10/CUP2009-07 – City zone change from LC Limited Commercial (“LC”) to GC General Commercial (“GC”) and Amendment to DP-164 Westwind II for vehicle repair, general; generally located south of 21st Street North and east of Tyler Road (8535 West 21st Street North).- (District V)

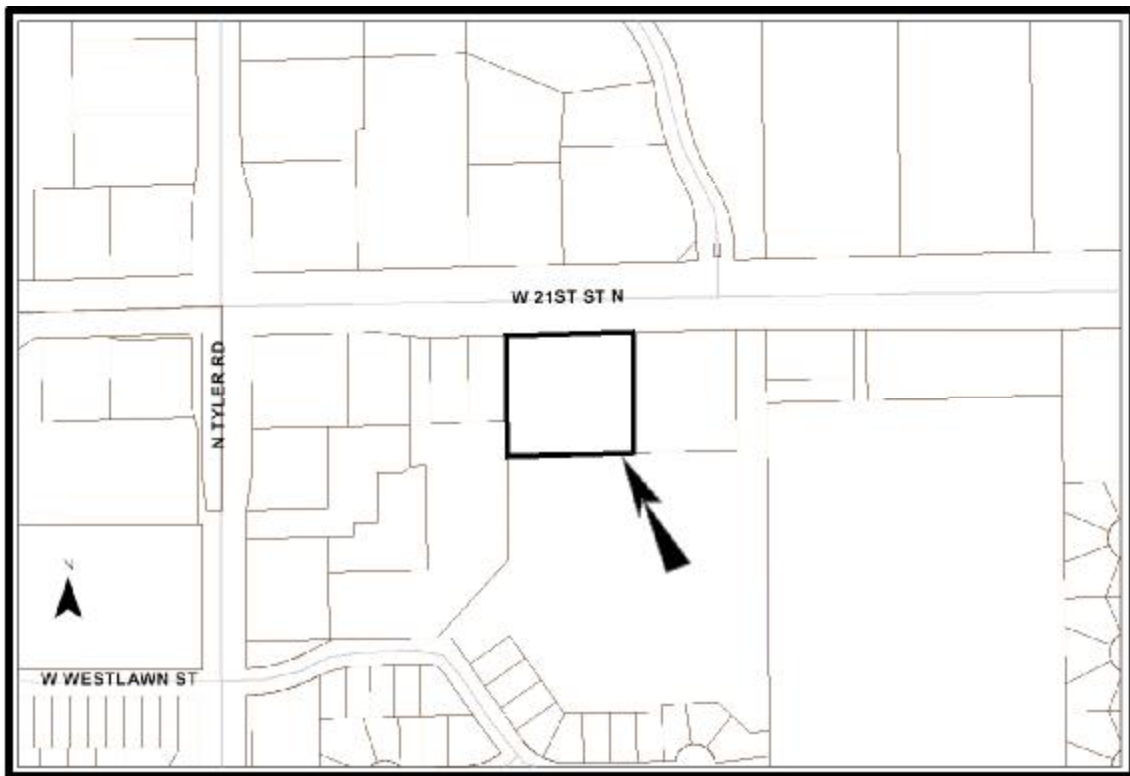
INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

MAPC Recommendation: Approve, subject to conditions, vote (11-0).

DAB V Recommendation: Approve, subject to conditions, vote (6-0).

MAPD Staff Recommendation: Approve, subject to conditions.



Background: Vehicle Repair, Limited is permitted on the application site under the existing LC Limited Commercial (“LC”) zoning and under the existing DP-164 for parcel 5B with the following conditions: a 10-foot landscape buffer along the south property line; automotive repair bays are not allowed in the north 110 feet of parcel 5B; automotive bays shall be limited to the east and west side of the automotive repair building; architectural compatibility with existing buildings; and no outdoor storage of vehicles on the parcel, a violation of which will render the automotive use null and void upon proper due process and action by the City Council. The applicant now seeks a zone change from LC to GC General Commercial (“GC”) and a CUP amendment to allow Vehicle Repair, General on Parcel 5B. The Unified Zoning Code defines Vehicle Repair, Limited as “a use providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services.” Vehicle Repair, General is defined as “an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment; typical uses include paint and body shops.”

The two-acre application area is developed with a multi-use commercial building which has vehicle bay doors supporting the existing vehicle repair business. North of the site, across 21st Street North, is LC zoned property developed with commercial and office uses. South of the site is property zoned TF-3 Two-Family Residential, under DP-165, and is developed with multi-family residential. East and west of the site is LC zoned property also under DP-165; east of the site is a car wash, and west of the site are commercial and self-storage land uses.

Analysis: At the MAPC meeting held April 9, 2009, the MAPC voted (11-0) to recommend approval of the request subject to the following staff recommended conditions:

1. DP-164 Parcel 5B Proposed Uses shall be amended to include “Vehicle Repair, General” as the only permitted GC land use.
2. The “Additional Provisions for Parcel 5B” shall be amended to add item H. “No outdoor work or storage areas shall be permitted. If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-164 Amendment #5, the Zoning Administrator may, with the concurrence of the Planning Director, declare the DP-164 Amendment #5 null and void.
3. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after final approval of this case, or the request shall be considered denied and closed.

No citizens spoke at the hearing. DAB V heard this request on March 30, 2009. No members of the public spoke at that hearing, and DAB V recommended approval subject to staff comments.

Financial Considerations: None.

Goal Impact: Promote Economic Vitality.

Legal Considerations: The ordinance has been reviewed and approved as to form by the Law Department.

Recommendation/Actions:

1. Adopt the findings of the MAPC, approve the zone change and place the ordinance on first reading;
or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission’s recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

ORDINANCE NO. 48-330

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2009-10

Zone change request from LC Limited Commercial ("LC") to GC General Commercial ("GC") on property described as:

Lot 5, except the East 250 feet thereof, Westwind 3rd Addition to Wichita, Sedgwick County, Kansas; generally located south of 21st Street North and east of Tyler Road (8535 West 21st Street North).

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 19th day of May, 2009.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law



INTEROFFICE MEMORANDUM

TO: Mayor and Wichita City Council Members
FROM: Megan Buckmaster, District V Neighborhood Assistant
SUBJECT: CUP2009-0007 and ZON2009-00010
DATE: April 27, 2009

On Monday, March 30, 2009, the *District Advisory Board (DAB) for Council District V* considered a request for a DP-164 Westwind II Amendment and City zone change from “LC” Limited Commercial to “GC” General Commercial, for vehicle repair, general.

The District Advisory Board members had no concerns.

Planning staff recommended the request be APPROVED subject to the following conditions:

1. DP-164 Parcel 5B Proposed Uses shall be amended to include “Vehicle Repair, General” as the only permitted GC land use.
2. The “Additional Provisions for Parcel 5B” shall be amended to add item H. “No outdoor work or storage areas shall be permitted. If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-164 Amendment #5, the Zoning Administrator may, with the concurrence of the Planning Director, declare the DP-164 Amendment #5 null and void.
3. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after final approval of this case, or the request shall be considered denied and closed.

With a unanimous vote of 6-0, the District V Advisory Board approved the request per staff recommendation to move forward to council for vote.

EXCERPT OF THE APRIL 9, 2009 MAPC HEARING

Case No.: ZON2009-10 and CUP2009-07 - Greg Norris and Russ Norris (owners), Baughman Company, P.A., c/o Russ Ewy (agent) Request City zone change from LC Limited Commercial to GC General Commercial for vehicle repair, general and amendment to DP-164 Westwind II on property described as:

Lot 5, except the East 250 feet thereof, Westwind 3rd Addition to Wichita, Sedgwick County, Kansas, generally located south of 21st Street North and east of Tyler Road (8535 West 21st Street North).

BACKGROUND: Vehicle Repair, Limited is permitted on the application site under the existing LC Limited Commercial ("LC") zoning, and under the existing DP-164 for parcel 5B with the following conditions: a 10-foot landscape buffer along the south property line; automotive repair bays are not allowed in the north 110 feet of parcel 5B; automotive bays shall be limited to the east and west side of the automotive repair building; architectural compatibility with existing buildings; and no outdoor storage of vehicles on the parcel, a violation of which will render the automotive use null and void upon proper due process and action by the City Council. The applicant now seeks a zone change from LC to GC General Commercial ("GC") and a CUP amendment to allow Vehicle Repair, General on Parcel 5B. The Unified Zoning Code defines Vehicle Repair, Limited as "a use providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services." Vehicle Repair, General is defined as "an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment; typical uses include paint and body shops."

The two-acre application area is developed with a multi-use commercial building which has vehicle bay doors supporting the existing vehicle repair business. North of the site, across 21st Street North, is LC zoned property developed with commercial and office uses. South of the site is property zoned TF-3 Two-Family Residential, under DP-165, and developed with multi-family residential. East and west of the site is LC zoned property also under DP-165; east of the site is a car wash, and west of the site are commercial and self-storage land uses.

CASE HISTORY: The Westwind 3rd Addition was approved in 1987; DP-165 was approved in 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Office, commercial
SOUTH:	TF-3	Apartment complex
EAST:	LC	Car wash
WEST:	LC	Office, commercial, self-storage

PUBLIC SERVICES: At this location 21st Street North is a five-lane arterial with a central turn lane and a 165-foot right-of-way. This section of 21st carries 31,074 average daily trips. All municipal services are available.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan designates this site as appropriate for local commercial uses, defined as commercial uses that do not have a significant regional market draw. The Comprehensive Plan has an objective to minimize detrimental impacts of higher intensity land uses located near residential living environments (p. 12, Land Use-Residential Objective II. B). Strategy II.B3 states that there is a need to evaluate the

effectiveness of regulations aimed at reducing or preventing the detrimental impacts of land uses that produce excessive odors, noise or safety hazards upon residential areas.

RECOMMENDATION: The primary difference between Vehicle Repair, Limited and General is vehicle body work and painting. A significant percentage of body work now consists of attaching replacement panels, with less noise than older methods of metal body work. Codes now require that vehicle painting is done with ventilation systems which mitigate odors and particulate matter. The vehicle bays on this site were specifically designed to open to the east and west, and do not face the multi-family residences south of the site. If the requested Vehicle Repair, General takes place exclusively indoors, it should have no more effect on neighboring properties than the current Vehicle Repair, Limited. Based upon information available prior to the public hearings, planning staff recommends that the requests be APPROVED, subject to the following conditions:

1. DP-164 Parcel 5B Proposed Uses shall be amended to include “Vehicle Repair, General” as the only permitted GC land use.
2. The “Additional Provisions for Parcel 5B” shall be amended to add item H. “No outdoor work or storage areas shall be permitted. If the Zoning Administrator finds that there is a violation of any of the conditions of the DP-164 Amendment #5, the Zoning Administrator may, with the concurrence of the Planning Director, declare the DP-164 Amendment #5 null and void.
3. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after final approval of this case, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site, across 21st Street North, is LC zoned property developed with commercial and office uses. South of the site is property zoned TF-3 Two-Family Residential, under DP-165, and developed with multi-family residential. East and west of the site is LC zoned property also under DP-165; east of the site is a car wash, and west of the site are commercial and self-storage land uses.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned LC subject to the development standards contained in DP-164. Uses permitted on the site are LC permitted uses normally found in a shopping center, with the addition of Vehicle Repair, Limited. The site could continue to be used under the current zoning and CUP restrictions.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested CUP amendment should have no greater impact on nearby property than any other land uses permitted in DP-164.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan designates this site as appropriate for local commercial uses, defined as commercial uses that do not have a significant regional market draw. The Comprehensive Plan has an objective to minimize detrimental impacts of higher intensity land uses located near residential living environments (p. 12, Land Use-Residential Objective II. B). Strategy II.B3 states that there is a need to evaluate the effectiveness of regulations aimed at reducing or preventing the detrimental impacts of land uses that produce excessive odors, noise or safety hazards upon residential areas.

5. Impact of the proposed development on community facilities: The proposed CUP amendment should have no measurable impact on community facilities.

JESS MCNEELY, Planning Staff presented the Staff Report.

MOTION: To approve subject to staff recommendation.

JOHNSON moved, **MITCHELL** seconded the motion, and it carried (11-0).

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council Members

SUBJECT: SUB 2008-64 -- Plat of Cox Machine 3rd Addition located east of Hoover Road and on the north side of 21st Street North. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

Background: This site, consisting of seven lots on 13.62, acres, is a replat of a portion of Zoo Business Park Addition. This site is located within Wichita's city limits and is zoned IP Industrial Park.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water and paving improvements. A Restrictive Covenant has been submitted providing for the ownership and maintenance of the platted reserves.

This plat has been reviewed and approved by the Wichita Metropolitan Area Planning Commission, subject to conditions.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat and authorize the necessary signatures.



First Published in the Wichita Eagle on May 15, 2009

RESOLUTION NO. 09-135

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90433 (EAST OF HOOVER, NORTH OF 21ST) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF WATER DISTRIBUTION SYSTEM NUMBER 448-90433 (EAST OF HOOVER, NORTH OF 21ST) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Water Distribution System Number 448-90433 (east of Hoover, north of 21st).

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fifty-Nine Thousand Dollars (\$59,000) exclusive of the cost of interest on borrowed money, with 100 percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COX MACHINE 3RD ADDITION

Lots 1 through 7, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 4 and Lots 6 and 7, Block A, COX MACHINE 3RD ADDITION shall each pay 1/10 of the total cost of the improvements; and Lot 5, Block A COX MACHINE 3RD ADDITION shall pay 4/10 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK
(SEAL)

First Published in the Wichita Eagle on May 15, 2009

RESOLUTION NO. 09-136

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 1, MAIN 20, SOUTHWEST INTERCEPTOR SEWER, (EAST OF HOOVER, NORTH OF 21ST) 468-83161 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING LATERAL 1, MAIN 20, SOUTHWEST INTERCEPTOR SEWER, (EAST OF HOOVER, NORTH OF 21ST) 468-83161 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 00-361 adopted on October 17, 2000 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct Lateral 1, Main 20, Southwest Interceptor Sewer, (east of Hoover, north of 21st) 468-83161 in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be One Hundred Eighteen Thousand Dollars (\$118,000), exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2009 exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COX MACHINE 3RD ADDITION

Lots 1 through 6, Block A

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 5, Block A, COX MACHINE 3RD ADDITION shall each pay 1/9 of the total cost of the improvements; and Lot 5, Block A, COX MACHINE 3RD ADDITION shall pay 4/9 of the total cost of the

improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefor, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on May 15, 2009

RESOLUTION NO. 09-137

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 5, MAIN 20, SOUTHWEST INTERCEPTOR SEWER (EAST OF HOOVER, NORTH OF 21ST) 468-84601 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 5, MAIN 20, SOUTHWEST INTERCEPTOR SEWER (EAST OF HOOVER, NORTH OF 21ST) 468-84601 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 5, Main 20, Southwest Interceptor Sewer (east of Hoover, north of 21st) 468-84601.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Fourteen Thousand Dollars (\$14,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COX MACHINE 3RD ADDITION

Lot 7, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 7, Block A, COX MACHINE 3RD ADDITION, shall pay 100 percent of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

First Published in the Wichita Eagle on May 15, 2009

RESOLUTION NO. 09-138

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON ZOO PARK CIRCLE FROM THE SOUTH LINE OF THE PLAT, NORTH TO AND INCLUDING THE CUL-DE-SAC (EAST OF HOOVER, NORTH OF 21ST) 472-84820 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON ZOO PARK CIRCLE FROM THE SOUTH LINE OF THE PLAT, NORTH TO AND INCLUDING THE CUL-DE-SAC (EAST OF HOOVER, NORTH OF 21ST) 472-84820 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement Zoo Park Circle from the south line of the plat, north to and including the cul-de-sac (east of Hoover, north of 21st) 472-84820.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Six Hundred Fifteen Thousand Dollars (\$615,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2009 exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

COX MACHINE 3RD ADDITION

Lots 1 through 7, Block A

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcel of substantially comparable size and/or value: Lots 1 through 4, and Lots 6 and 7, Block A, COX MACHINE

3RD ADDITION shall each pay 1/10 of the total cost of the improvements and Lot 5, Block A, COX MACHINE 3RD ADDITION shall pay 4/10 of the total cost of the improvements.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

CERTIFICATE OF PETITION

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

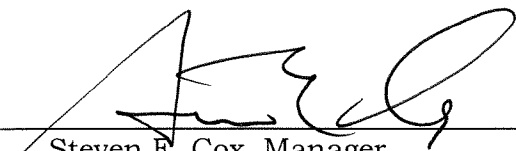
We, Coxco, L.L.C., a Kansas Limited Liability Company, owners of COX MACHINE 3RD ADDITION, Wichita, Sedgwick County, Kansas, do hereby certify that petition(s) for the following improvements have been submitted to the City Council of the City of Wichita, Kansas:

1. Sanitary Sewer Improvements
2. Water Line Improvements
3. Paving Improvements

As a result of the above-mentioned petition(s) for improvements, all lots or portions thereof within the Cox Machine 3rd Addition, may be subject to special assessments assessed thereto for the cost of constructing the above-described improvements.

Signed this 21st day of April, 2009.

Coxco, L.L.C.

By: 
Steven E. Cox, Manager

Certificate of Petition
Page 2 of 2

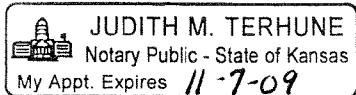
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 21st day of April, 2009,
before me, the undersigned, a Notary Public, in and for the County and State
aforesaid, came Steven E. Cox as Manager of Coxco, L.L.C., a Kansas Limited Liability
Company, personally known to me to be the same persons who executed the within
instrument of writing and such persons duly acknowledged the execution of the same
on behalf, and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year above written.

Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-09)



RESTRICTIVE COVENANT

THIS DECLARATION made this 21st day of April, 2009, by Coxco, LLC, a Kansas Limited Liability Company, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property:

COX MACHINE 3RD ADDITION

Lots 1 through 7, Block A

WHEREAS, Declarant is desirous in connection therewith that various provisions for the maintenance and responsibility for the maintenance be placed of record for Reserved "A", "B", "C", "D", and "E", COX MACHINE 3RD ADDITION, Wichita, Sedgwick County, Kansas.

NOW, THEREFORE, Declarant hereby declares and covenants:

1. That Reserves "A" and "B" are hereby reserved for entry features/monuments, signage, irrigation, walls, walks, lighting, landscaping, recreational structures, berms, drainage purposes, and utilities as confined to easements.

Reserve "C" is hereby reserved for entry features/monuments, signage, irrigation, walls, walks, lighting, landscaping, recreational structures, berms, lakes, drainage purposes, and utilities as confined to easements.

Reserves D" and "E" are hereby reserved for landscaping, drainage purposes, pipelines as confined to easements, and utilities as confined to easements.

Reserves "A", "B", "C", "D", and "E" shall be owned and maintained by the Lot Owners Association for the addition.

2. That a Lot Owner's Association shall be formed and incorporated as a non-profit corporation under Kansas Statutes, at the Declarant's sole cost. Reserves "A", "B", "C", "D", and "E", as designated on the plat of COX MACHINE 3RD ADDITION, shall be

deeded to the Lot Owner's Association upon its incorporation or within 30 days thereafter.

3. That the declaration of covenants and other provisions of the Lot Owner's Association being formed shall provide specific pertinent language requiring that the Lot Owner's Association shall include the first or any other subsequent phase or phases for the maintenance of any and all common areas contiguous to Reserves "A", "B", "C", "D", and "E" to COX MACHINE 3RD ADDITION under the same scope of responsibility as the initial phase of development.

4. That the owners hereby grant an irrevocable easement to whichever appropriate governing body or authority has jurisdiction, to enter upon the Reserve, as defined, for the purposes of maintaining such Reserve. This easement is conditioned upon the following event or events happening:

A. That the Declarant or the Lot Owners Association, as may be appropriate, has failed to maintain the reserve in a reasonable and prudent manner.
and,

B. That the appropriate governing body has given written notice to the Declarant or the Lot Owners Association and neither entity has responded in initiating corrective action within thirty (30) days of such notice. If the governing body has taken action to maintain the reserve under this covenant, the Declarant or Lot Owners Association shall pay promptly the costs expended. If the costs are not paid within thirty (30) days of the rendering of an account, the costs shall be considered an assessment against all lots in COX MACHINE 3RD ADDITION, and shall be considered a lien thereon and be treated in the same manner as a special assessment.

This covenant shall be binding on the owner, their heirs, or successors or assigns and is a covenant running with the land and is binding on all successors in Lots in COX MACHINE 3RD ADDITION, Wichita, Sedgwick County, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

EXECUTED the day and year first written.

Coxco, L.L.C.

By: _____

Steven E. Cox, Manager

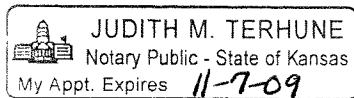
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 21st day of April, 2009,
before me, the undersigned, a Notary Public, in and for the County and State
aforesaid, came Steven E. Cox, as Manager of Coxco, L.L.C., a Kansas Limited
Liability Company, personally known to me to be the same persons who executed the
within instrument of writing and such persons duly acknowledged the execution of the
same on behalf, and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year above written.

Judith M. Terhune
Notary Public

(My Appointment Expires: 11-7-09)



**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council Members

SUBJECT: SUB 2009-07 -- Plat of Harley Voth Addition located on the south side of Douglas and east of West Street. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Background: This site, consisting of one lot on .33 acres, is located within Wichita's city limits. A zone change (ZON 2007-28) from LC Limited Commercial to GC General Commercial has been approved. This site is subject to a Protective Overlay (PO #192) established by the zone change. A Notice of Protective Overlay has been submitted identifying the approved protective overlay and its special conditions for development on this property.

Analysis: Municipal services are available to serve the site. A Restrictive Covenant has been submitted to permit future cross-lot access with the abutting property owners to the east and west.

The plat has been approved by the Metropolitan Area Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

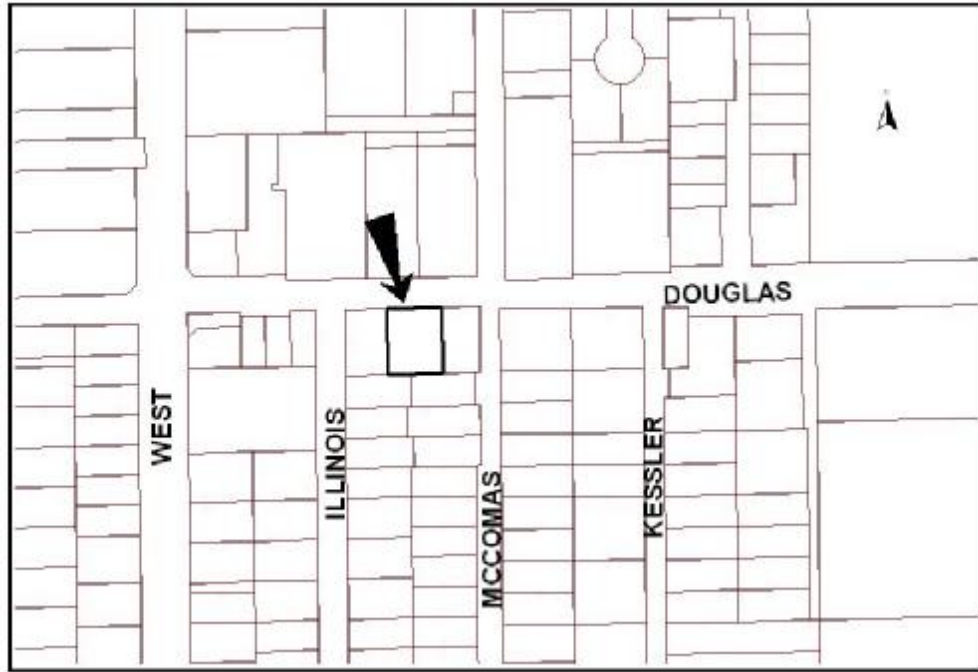
Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Notice of Protective Overlay and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the documents and plat, authorize the necessary signatures and approve first reading of the Ordinance.

Attachments: Notice of Protective Overlay and Restrictive Covenant.



ORDINANCE NO. 48-331

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON 2007-28

Zone change from LC Limited Commercial to GC General Commercial, for property described as:

Lot 1, Block A, Harley Voth Addition, Wichita, Sedgwick County, Kansas.

Generally located on the south side of Douglas and east of West Street.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #192:

A. Permitted uses are restricted to those uses permitted by right in the "LC" Limited Commercial district plus "vehicle repair, general".

B. All parking, storage and display areas shall be paved with concrete, asphalt or asphaltic concrete. Parking barriers shall be installed along all perimeter boundaries, except where fences are erected, to ensure that parked vehicles do not encroach onto public right-of ways or adjacent properties.

C. No off-site or portable signs are permitted.

D. Exterior audio systems shall be prohibited.

E. All vehicles that are not complete and visually intact or are stored more than 72 hours are to be screened from ground view from abutting/adjoining properties and from abutting streets. Screening shall be of a material approved by the Unified Zoning Code.

SECTION 2. That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by

reference, and said official zoning map is hereby reincorporated as a part of the Wichita - Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

Adopted this 19th day of May 2009.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

(SEAL)

Approved as to form:

Gary E. Rebenstorf, City Attorney

NOTICE OF PROTECTIVE OVERLAY

THIS NOTICE made this 23rd day of April, 2009, by Darry D. Brown, executor of the Harley J. Voth Living Trust (Restated) hereinafter called "Declarants,"

WITNESSETH

WHEREAS, Declarants are the owners of the following-described property:

Harley Voth Addition
Wichita, Sedgwick County, Kansas

and

WHEREAS, Declarants are desirous to file notice that a zoning protective overlay approved by the Wichita City Council that is on file with the Wichita-Sedgwick County Metropolitan Area Planning Department, located on the 10th Floor, City Hall, Wichita, Kansas, (316) 268-4421.

NOW, THEREFORE, the Declarant gives notice that the approved protective overlay (P-O #192) per zone change case ZON 2007-00028 has placed restrictions on the use and requirements of the development of the above-described real property. This protective overlay shall be binding on the owners, their heirs, or successors or assigns and is a document running with the land and is binding on all successors in title to Harley Voth Addition.

EXECUTED the day and year first written above.

Harley J. Voth Living Trust (Restated)

By: Darry D. Brown Executor
Darry D. Brown

Notice of Protective Overlay
Page 2 of 2

STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 23rd day of April, 2009, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, by Darry D. Brown, executor of the Harley J. Voth Living Trust (Restated), personally known to me to be the same person who executed the within instrument of writing.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

(My Appointment Expires: 10/30/11)



RESTRICTIVE COVENANT
FOR FUTURE CROSS CIRCULATION AGREEMENT

THIS RESTRICTIVE COVENANT made this 22nd day of April, 2009 by Darryl D. Brown, Executor of the "Harley J. Voth Living Trust (Restated) hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property, to-wit:

Lot 1, Block A, Harley Voth Addition, Wichita, Sedgwick County, Kansas.

WHEREAS, the plat of the aforesaid Harley Voth Addition contains provisions for access control along Douglas Avenue as recommended by the City of Wichita Engineering Department,

and

WHEREAS, as a platting requirement of the Wichita/Sedgwick County Planning Commission, the Declarant hereby agrees to execute, in the future, _____, a cross circulation agreement, for the benefit of said Lot 1, Block A, Harley Voth Addition and the property immediately adjacent to the east and west, as provided for herein.

NOW, THEREFORE, Declarant hereby declares the following:

1. The Declarant acknowledges its willingness to enter into a cross circulation agreement creating access rights with the owner of the property immediately adjacent to the east and west ("Adjacent Property") of Lot 1, Block A, Harley Voth Addition at some future date if said adjacent owner desires to enter into a cross circulation agreement.
2. The Declarant hereby acknowledges its willingness to grant a circulation agreement over the east and west property line of said Harley Voth Addition, with the exact location to be determined at the time of formalizing the agreement.

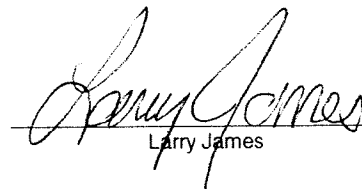
Any cross circulation agreement entered into shall contain provisions regarding the allocation of the costs of constructing the initial joint access drive, modifications to such drive or parking lot (if already constructed), and maintenance costs.

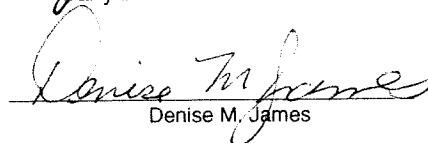
This Restrictive Covenant shall be binding on the Declarant, its successors or assigns and is a covenant running with the land and is binding on all successors in title for the above described real property located in Sedgwick County, Kansas.

The covenants, conditions, and restrictions on the property created and established in this instrument may be waived, terminated, or modified only upon written consent of the City of Wichita and/or County. No such waiver, termination or modification shall be effective until such written consent is recorded in the office of the Register of Deeds for Sedgwick County, Kansas.

Harley J. Voth Living Trust (Restated)

 _____ Executor
Darryl D. Brown

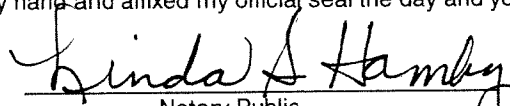
 _____
Larry James

 _____
Denise M. James

STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

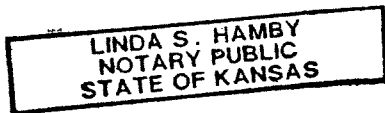
BE IT REMEMBERED, that on this 22nd day of April 2009, before me the undersigned, a Notary Public, in and for the County and State aforesaid, came Darry D. Brown, Executor of the "Harley J. Voth Living Trust (Restated) personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


Notary Public

(My Appointment Expires: 10/30/2011)

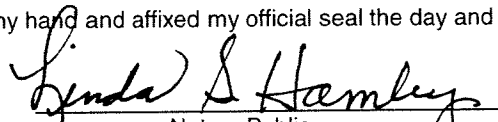
SEAL



STATE OF KANSAS)
) ss
COUNTY OF SEDGWICK)

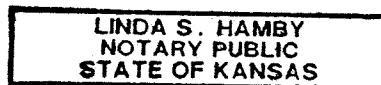
BE IT REMEMBERED, that on this 22nd day of April 2009 before me the undersigned, a Notary Public, in and for the County and State aforesaid, came Larry James and Denise M. James, husband and wife personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.


Notary Public

(My Appointment Expires: 10/30/2011)

SEAL



Agenda Item No. V-6.

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: VAC2002-00042 – Request to vacate a platted easements; generally located northwest of the West Kellogg Drive and Julia interchange.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicants are requesting consideration for the vacation of the platted 20-foot utility easement as recorded on Lot 1, The Landing 2nd Addition and the platted 10-foot utility easement as recorded on Lot 1, Air Park 3rd Addition. The applicants propose to demolish the existing motel and bar on Lot 1, Air Park 3rd Addition and to expand on the existing Wal-Mart to make it a Super Wal-Mart. This site has a CUP overlay on it. A request for an amendment to the CUP has been filed. The Air Park 3rd Addition was recorded with the Register of Deeds on February 13, 1974. The Landing 2nd Addition was recorded with the Register of Deeds on October 17, 1990.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

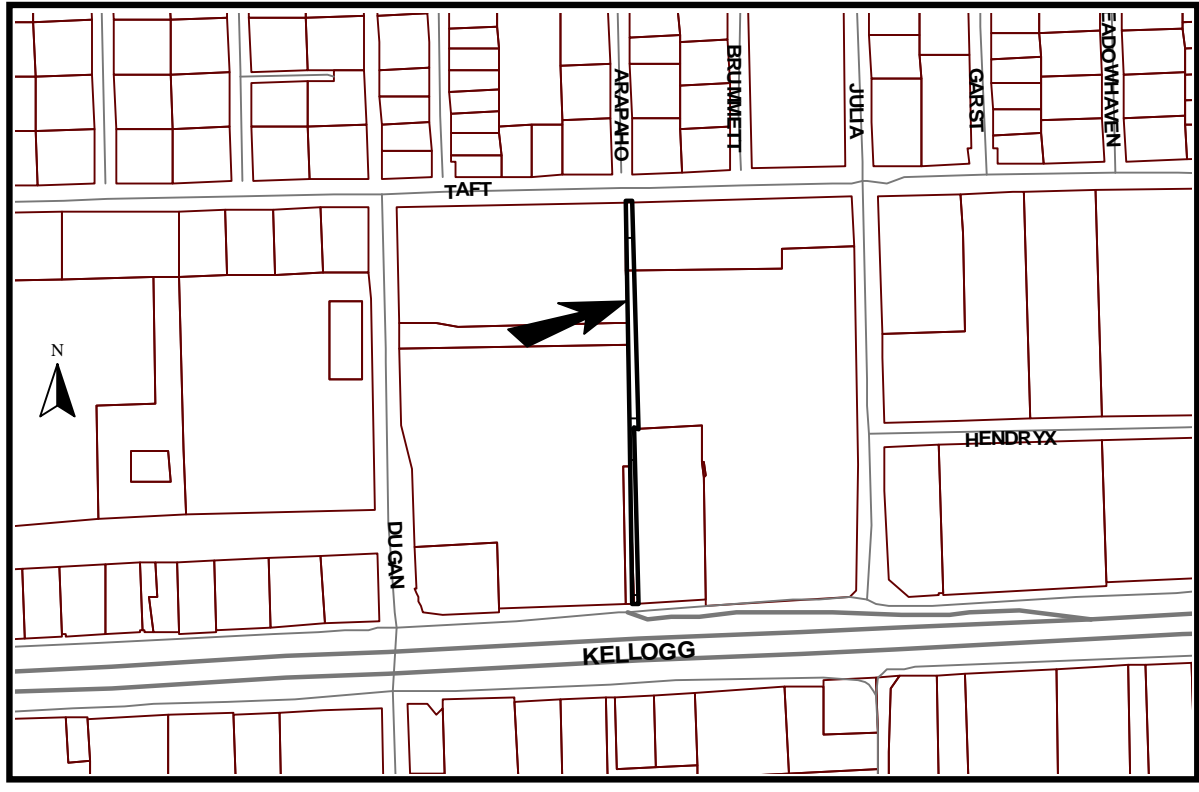
Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachments: None.



**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: VAC2009-00004 - Request to vacate a public sewer easement, established by prescription; generally located east of Oliver Avenue and south of 21st Street North. (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant is requesting consideration for the vacation of the described public sewer easement established by prescription in Project-C26-33, (reference: Sewer Book L-168), which was established when an 8-inch clay sewer line was installed. The GIS map also shows manholes and a sewer line in the described sewer easement. The GIS map shows no water located in the described sewer easement. There are no other utilities located within the described easement. The Crestview Heights 1st Addition was recorded with the Register of Deeds on December 20, 1956.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

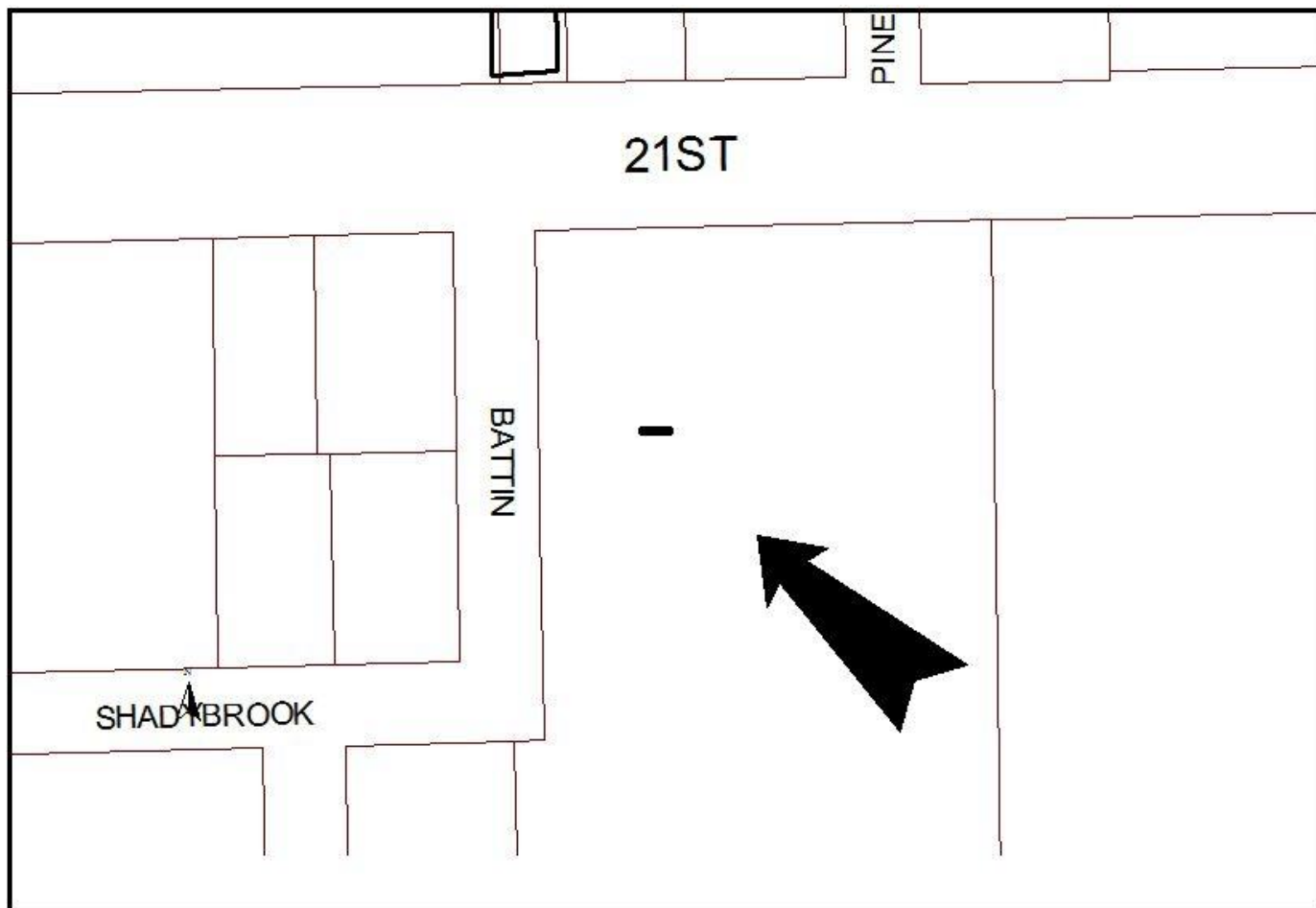
Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachments: Letter.



**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: VAC2009-00006 - Request to vacate a platted easement; generally located on the north side of 21st Street North, midway between Tyler Road and Ridge Road. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant proposes to vacate the 10-foot wide platted easement, which runs parallel to the west lot line of Lot 1, First Mennonite Brethren Addition. There are no utilities, manholes, sewer or water lines in the easement. There is a platted 30-foot building setback, which runs parallel to the west lot line of the subject site. The platted easement is located within this platted setback, which will not be disturbed by the vacation request. The First Mennonite Brethren Addition was recorded with the Register of Deeds on August 15, 1985.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

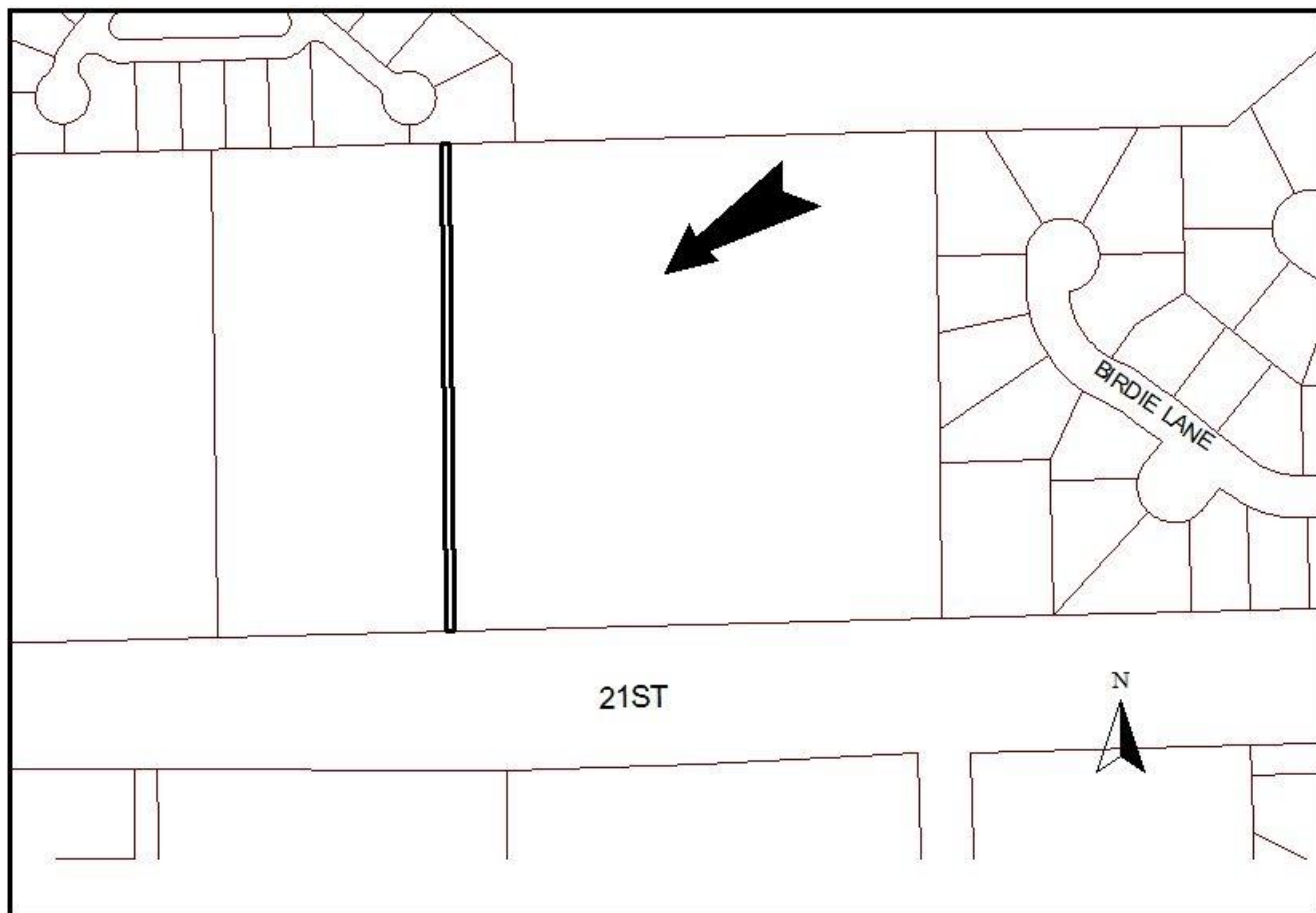
Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachments: None.



City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: VAC2009-00008 - Request to vacate platted street right-of-way; generally located south of Central Avenue, between Santa Fe and Mead Avenues. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimously).

Background: The applicant is requesting the vacation of the portion of Hinton Avenue public right-of-way (ROW) located between Mead Avenue (east), Santa Fe Avenue/railroad ROW (west) and abutting the south sides of Lots 13 to 35 (odd) and the north sides of Lots 14 to 36 (even), all in the Hinton's Subdivision of a part of East Wichita. Hinton Avenue is not developed and has several buildings encroaching in it, as it is actively being used as part of The Yard Store. The applicant owns all abutting properties. This is the only portion of Hinton shown on this quarter-section map of the City. Hinton does not cross the railroad tracks abutting its west side. There are no utilities, manholes, sewer or water lines within the proposed vacated ROW. This portion of Hinton Avenue was platted on the Hinton's Subdivision of a part of East Wichita Addition, which was recorded with the Register of Deeds on June 17, 1886.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

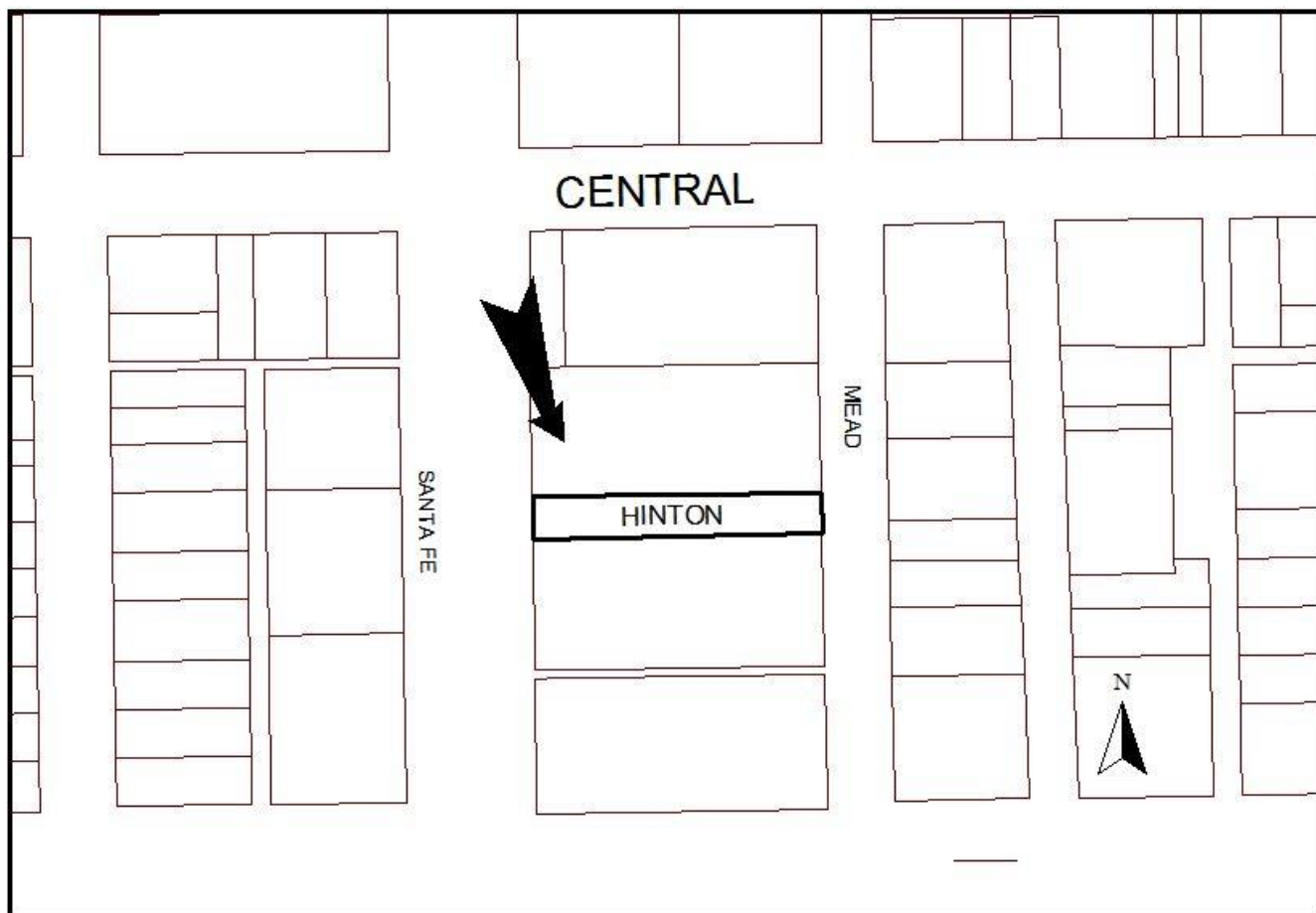
Financial Considerations: None.

Goal Impact: Ensure efficient infrastructure.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Attachments: None.



City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council Members

SUBJECT: DED 2009-00009 -- Dedication of Abutter's Access Rights located from Kellogg south to Orme Street between Mission Road and Gouverneur Road. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedication.

Background: The Dedication is associated with CUP2007-00025 and is a condition of approval of the CUP. The Dedication is to limit access points to two locations onto Mission Road, one location onto Gouverneur Road and provide complete access control along Orme Street.

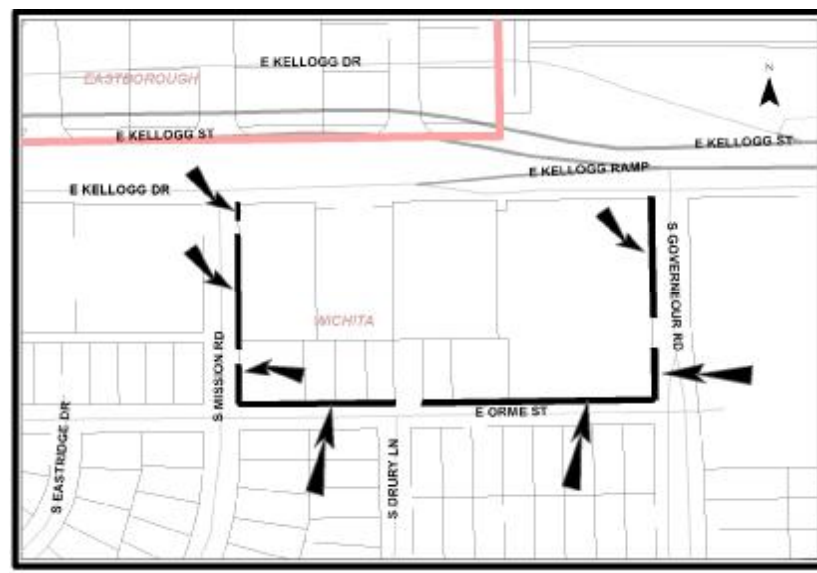
Analysis: None.

Financial Considerations: None.

Goal Impact: Ensure Efficient Infrastructure.

Legal Considerations: The Dedication will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedication.



DEDICATION OF ABUTTER'S ACCESS RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, V & B Scholfield, L.P., a Kansas Limited Partnership, being the owners of the following described real estate in Sedgwick County, Kansas, to wit:

PARCEL 'A'

Lot 1, Scholfield-Hatchett 3rd Addition, Wichita, Sedgwick County, Kansas

PARCEL 'B'

Lots 1 and 2, Block 1, East Mission 2nd Addition to Wichita, Sedgwick County, Kansas

PARCEL 'C'

All of Lots 2 and 3, TOGETHER with Lot 4, except the east 23 feet thereof, TOGETHER with Lot 5, except the west 33 feet thereof, TOGETHER with the west 9 feet of Lot 6, all in Block 10, Eastridge Addition, Wichita, Sedgwick County, Kansas

do hereby transfer and convey to the City of Wichita, all abutter's rights of access, ingress, and egress to said parcels from or to:

Gouverneur Road over and across the east line of said Parcel 'A', EXCEPT the north 30.00 feet of the south 147.00 feet thereof;

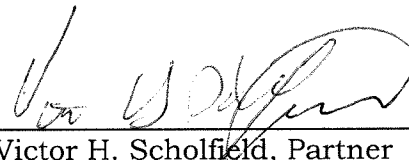
Orme Street over and across the south line of Parcel 'A', Parcel 'B', and Parcel 'C'; and

Mission Road over and across the west line of Parcel 'B', EXCEPT the south 30.00 feet of the north 60.00 feet thereof; and the north 30 feet of the south 105 feet thereof; to have and to hold the same forever.

It being understood that this conveyance is a covenant running with the land and prohibits all subsequent owners thereof and all members of the public from entering upon said Gouverneur Road, Orme Street, and Mission Road, except at the points of ingress and egress as set forth above.

Executed this 17th day of March, 2008.

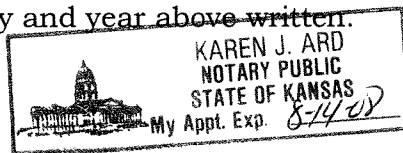
V & B Scholfield, L.P.

By: 
Victor H. Scholfield, Partner

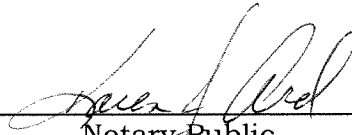
STATE OF KANSAS)
COUNTY OF SEDGWICK) SS:

BE IT REMEMBERED, that on this 17th day of March, 2008, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came, Victor H. Scholfield, as Partner of V & B Scholfield, L.P., a Kansas Limited Partnership, who is personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited partnership.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



(My Appointment Expires: _____)


Notary Public

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Wichita Airport Authority

SUBJECT: Wichita Mid-Continent Airport
Renovations to Hangar 16 (1700 Airport Road)
Supplemental Agreement

INITIATED BY: Department of Airports

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: The approved Capital Improvement Program (CIP) includes this project. On September 23, 2008 the WAA approved a project to renovate a portion of Hangar 16 to be the interim facilities for the U. S. Customs and Border Protection (CBP) Federal Inspection Services (FIS) Facility as a result of its relocation due to the current facility demolition to construct the new terminal. The agreement between the Authority and the U.S. Department of Homeland Security requires the Authority to provide space for CBP in a location that will adequately serve the aviation community. On January 27, 2009 the WAA approved a budget adjustment to include construction, furnishings, renovation of tenant space and construction related services.

Analysis: Construction is underway and staff has prepared a supplemental agreement with HNTB for construction related services.

Financial Considerations: The Supplemental Agreement is for a not-to-exceed amount of \$74,369 and is included in the existing budget of \$1,200,000.

Goal Impact: The Airport's contribution to the economic vitality of Wichita is promoted through improvements to allow uninterrupted airport services to be provided to the aviation community.

Legal Considerations: The Law Department has approved the agreement as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the supplemental agreement and authorize the necessary signatures.

Attachments: Supplemental Agreement #5.

SUPPLEMENTAL AGREEMENT NO. 5
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THE WICHITA AIRPORT AUTHORITY, "OWNER",
AND
HNTB ARCHITECTURE, "CONSULTANT",

WITNESSETH:

WHEREAS, there now exists a Contract, dated July 18, 2006, between the two parties covering professional services to be provided by the CONSULTANT in conjunction with the construction of improvements to Wichita Mid-Continent Airport.

WHEREAS, ARTICLE IV, B. of the referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the CONSULTANT provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. SCOPE OF SERVICES

The description of the improvements that the OWNER intends to construct and thereafter called the "PROJECT" as stated within ARTICLE I of the referenced Contract is hereby amended to include the following:

Construction Phase Services for the U.S. Customs and Border Protection (CPB) facility at 1600 Airport Road. Services to be provided include:

1. Pre-Construction Meeting: CONSULTANT shall facilitate the pre-construction conference. Airport staff will provide briefings for such items as airport safety, security, operational and environmental.
2. Construction Period: CONSULTANT shall provide these services:
 - a. Review shop drawings.
 - b. Evaluate and prepare periodic and final pay request reviews.
 - c. Answer technical questions.
 - d. Evaluate testing for acceptance.
 - e. Evaluate and prepare change orders.
 - f. Spot checking construction staking for accuracy.

- g. Approximately 12 to 15 hours per week of architectural on-site construction observation, plus a lesser amount of MEP on-site observation. The amount of time spent each week will vary depending on the construction activities in progress.
 - h. Provide a Certificate of Acceptance on the work.
 - i. On-site weekly construction meetings.
 - j. Final inspection.
3. Post Construction: Within 45 days of substantial completion CONSULTANT shall prepare record drawings and furnish one set of prints for Owner review. Once the review is complete provide within 15 days one set of reproducibles and an electronic files (AutoCAD) of the plans and specifications (MS Word) to the Owner. CONSULTANT shall provide a photocopy of the on-site inspection and observation logs. When applicable, CONSULTANT shall provide whatever documentation is needed to satisfy the City of Wichita regarding systems tied into the water, sanitary and storm sewer systems.

Refer to Exhibit C for the anticipated schedule for completion of design and construction documents.

B. PAYMENT PROVISIONS

The fee in ARTICLE IV, A3, shall be amended to include the following:

Payment to the CONSULTANT for the performance of the professional services as outlined in this Supplemental Agreement shall be made on the basis of actual costs plus a fixed fee of \$1,177.00; the total including reimbursable expenses shall not exceed \$74,369.00 (Exhibit SA5-A). Payment for work by Sub-consultants shall also be on the basis of actual cost.

C. TIME OF SERVICES

Completion of services is dependent upon the Contractor's progress and the time frame set forth in the construction contract documents. The fee(s) included in this Agreement are based on substantial completion of the construction within 150 days of Contractor's notice to proceed

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the OWNER and the CONSULTANT execute this Supplemental Agreement as of this _____ day of _____, 2009.

ATTEST:

WICHITA AIRPORT AUTHORITY
WICHITA, KANSAS

By: _____
Karen Sublett, City Clerk

By: _____
Carl Brewer, President
"OWNER"

By: _____
Victor White, Director of Airports

ATTEST:

HNTB ARCHITECTURE
715 KIRK DRIVE
KANSAS CITY, MO 64105

By: *Michael Dannon*
Title: Principal Architect

By: *Michael Gimpel*
Title: VICE-PRESIDENT

APPROVED AS TO FORM: *Gary E. Rhentley, Jr.* Date: _____
Director of Law

ATTACHMENTS: EXHIBIT SA5-A - FEE SCHEDULE

Wichita Mid-Continent Airport - Terminal Area Redevelopment Project
Estimated Cost of Consultant's Services
HNTB Architecture

02/17/09

Construction Related Services for Customs in Hangar 16
Additional Services Proposal No. 18
HNTB Project 34912-DS-007

1. Direct Salary Costs

	<u>Hours</u>	<u>Avg Rate</u>	<u>Cost</u>
HNTB total (see attached sheet)	44	60.57	\$2,665
Total Direct Salary Costs			\$2,665

2. Labor and General & Administrative Overhead
 Percentage of Direct Salary Costs

196.47% \$5,236

3. Total Labor Cost - Subtotal of Items 1 and 2

\$7,901

4. Fixed Fee

14.90% \$1,177

5. Subtotal of Items 3 and 4

\$9,078

6. Direct Non-Salary Expenses (HNTB)

Transportation & Subsistence

323

Printing and Deliveries

88

Total Direct Non-salary Expenses

\$411

7. Subtotal of Items 5 and 6

\$9,489

8. Subcontractor Costs

Gossen Livingston Associates

44,172

Professional Engineering Consultants

20,708

Total Subcontractor Costs

\$64,880

Total Proposed Maximum Cost

\$74,369

RECEIVED

APR 23 2009

AIRPORT ENGINEERING

**PRELIMINARY ESTIMATES
FOR CITY COUNCIL MAY 12, 2009**

- a. Siefkin from the east line of Willow Lane, north to and including the cul-de-sac to serve Replat of Spring Acres Addition (west of Woodlawn, north of 13th Street North) (472-84762/766226/490244) Traffic to be maintained using flagpersons and barricades. (District I) - \$209,440.00
- b. The cost of 13th Street North to serve Cheryl's Hollow 2nd Addition (north of 13th Street North, west of 135th Street West). (472-84400/766160/490-178) (District II) – Total Estimated Cost \$179,220.00
- c. The cost of Manlo, 34th Street North and Sedgwick to serve Mesa Verde Addition (south of 37th Street North, east of Meridian). (472-84481/766175/490-193) (District VI) – Total Estimated Cost \$173,040.00
- d. The cost of Manlo and 34th Street North to serve Mesa Verde Addition (south of 37th Street North, east of Meridian). (472-84482/766211/490-229) (District VI) – Total Estimated Cost \$125,240.00

Agenda Item No. XII-05a.

**City of Wichita
City Council Meeting
May12, 2009**

To: Mayor and City Council

Subject: Petition for street paving in Oak Creek 2nd and 3rd Additions (south of 21st, west of Greenwich) (District II)

Initiated By: Department of Public Works

Agenda: Consent

Recommendation: Approve the new petition.

Background: On November 28, 2006, the City Council approved a petition to pave streets in Oak Creek 2nd and 3rd Additions. The developer has submitted a new petition to reallocate special assessments to reflect current marketing conditions. The signatures on the petition represent 100% of the improvement district.

Analysis: The project will provide street paving for a new residential development located south of 21st, west of Greenwich.

Financial Consideration: The project budget of \$938,000 is unchanged.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing street paving required for a new residential development.

Legal Consideration: State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Actions: It is recommended that the City Council approve the new petition, adopt the resolution and authorize the necessary signatures.

Attachment: Map, petition and resolution.

First Published in the Wichita Eagle on May 15, 2009

RESOLUTION NO. 09-139

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 19TH STREET NORTH FROM CHATEAU PARKWAY TO OAK CREEK PARKWAY AND ON CHATEAU PARKWAY FROM 19TH STREET NORTH TO A POINT 80 FEET SOUTH OF LOT 4, BLOCK 2, OAK CREEK ADDITION (SOUTH OF 21ST, WEST OF GREENWICH) 472-84449 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON 19TH STREET NORTH FROM CHATEAU PARKWAY TO OAK CREEK PARKWAY AND ON CHATEAU PARKWAY FROM 19TH STREET NORTH TO A POINT 80 FEET SOUTH OF LOT 4, BLOCK 2, OAK CREEK ADDITION (SOUTH OF 21ST, WEST OF GREENWICH) 472-84449 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 06-501 adopted on September 26, 2006 and Resolution No. 06-650 adopted on November 28, 2006 are hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize construction of pavement on 19th Street North from Chateau Parkway to Oak Creek Parkway and on Chateau Parkway from 19th Street North to a point 80 feet south of Lot 4, Block 2, Oak Creek Addition (south of 21st, west of Greenwich) 472-84449.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to Nine Hundred Thirty-Eight Thousand Dollars (\$938,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2009 exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

OAK CREEK 2ND ADDITION

Lots 3 thru 7, Block 1
Lots 1 thru 11, Block 2
Lots 2 thru 4, Block 3
Lot 1, Block 4

OAK CREEK 3RD ADDITION

Lots 1, 5, 7, 8, 9, 10, 12 and 13 thru 27, Block 1

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: Lot 3, Block 1, OAK CREEK 2ND ADDITION shall pay 36,536/938,000 of the total cost of the improvement; Lot 4, Block 1, OAK CREEK 2ND ADDITION shall pay 52,014/938,000 of the total cost of the improvement; Lot 5, Block 1, OAK CREEK 2ND ADDITION shall pay 25,569/938,000 of the total cost of the improvement; Lot 6, Block 1, OAK CREEK 2ND ADDITION shall pay 21,938/938,000 of the total cost of the improvement; Lot 7, Block 1, OAK CREEK 2ND ADDITION shall pay 130,388/938,000 of the total cost of the improvement; Lot 1, Block 2, OAK CREEK 2ND ADDITION shall pay 3,119/938,000 of the total cost of the improvement; Lot 2, Block 2, OAK CREEK 2ND ADDITION shall pay 3,119/938,000 of the total cost of the improvement; Lot 3, Block 2, OAK CREEK 2ND ADDITION shall pay 3,119/938,000 of the total cost of the improvement; Lot 4, Block 2, OAK CREEK 2ND ADDITION shall pay 3,379/938,000 of the total cost of the improvement; Lot 5, Block 2, OAK CREEK 2ND ADDITION shall pay 3,379/938,000 of the total cost of the improvement; Lot 6, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 7, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 8, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 9, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 10, Block 2, OAK CREEK 2ND ADDITION shall pay 25,838/938,000 of the total cost of the improvement; Lot 11, Block 2, OAK CREEK 2ND ADDITION shall pay 23,142/938,000 of the total cost of the improvement; Lot 2, Block 3, OAK CREEK 2ND ADDITION shall pay 25,722/938,000 of the total cost of the improvement; Lot 3, Block 3, OAK CREEK 2ND ADDITION shall pay 25,722/938,000 of the total cost of the improvement; Lot 4, Block 3, OAK CREEK 2ND ADDITION shall pay 20,206/938,000 of the total cost of the improvement; Lot 1, Block 4, OAK CREEK 2ND ADDITION shall pay 58,526/938,000 of the total cost of the improvement; Lot 1, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lot 5, Block 1, OAK CREEK 3RD ADDITION shall pay 15,603/938,000 of the total cost of the improvement; Lot 7, Block 1, OAK CREEK 3RD ADDITION shall pay 21,019/938,000 of the total cost of the improvement; Lot 8, Block 1, OAK CREEK 3RD ADDITION shall pay 21,019/938,000 of the total cost of the improvement; Lot 9, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lot 10, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lot 12, Block 1, OAK CREEK 3RD ADDITION shall pay 2,079/938,000 of the total cost of the improvement; Lots 13 thru 27, BLOCK 1, OAK CREEK 3RD ADDITION shall each pay 20,465/938,000 of the total cost of the improvement.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

Lot 3, Block 1, Oak Creek 2nd Addition shall pay 36,536/938,000 of the total cost of the improvement; Lot 4, Block 1, Oak Creek 2nd Addition shall pay 52,014/938,000 of the total cost of the improvement; Lot 5, Block 1, Oak Creek 2nd Addition shall pay 25,569/938,000 of the total cost of the improvement; Lot 6, Block 1, Oak Creek 2nd Addition shall pay 21,938/938,000 of the total cost of the improvement; Lot 7, Block 1, Oak Creek 2nd Addition shall pay 130,388/938,000 of the total cost of the improvement; Lot 1, Block 2, Oak Creek 2nd Addition shall pay 3,119/938,000 of the total cost of the improvement; Lot 2, Block 2, Oak Creek 2nd Addition shall pay 3,119/938,000 of the total cost of the improvement; Lot 3, Block 2, Oak Creek 2nd Addition shall pay 3,119/938,000 of the total cost of the improvement; Lot 4, Block 2, Oak Creek 2nd Addition shall pay 3,379/938,000 of the total cost of the improvement; Lot 5, Block 2, Oak Creek 2nd Addition shall pay 3,379/938,000 of the total cost of the improvement; Lot 6, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 7, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 8, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 9, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 10, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 11, Block 2, Oak Creek 2nd Addition shall pay 23,142/938,000 of the total cost of the improvement; Lot 2, Block 3, Oak Creek 2nd Addition shall pay 25,722/938,000 of the total cost of the improvement; Lot 3, Block 3, Oak Creek 2nd Addition shall pay 25,722/938,000 of the total cost of the improvement; Lot 4, Block 3, Oak Creek 2nd Addition shall pay 20,206/938,000 of the total cost of the improvement; Lot 1, Block 4, Oak Creek 2nd Addition shall pay 58,526/938,000 of the total cost of the improvement; Lot 1, Block 1, Oak Creek 3rd Addition shall pay 2,079/938,000 of the total cost of the improvement; Lot 5, Block 1, Oak Creek 3rd Addition shall pay 15,603/938,000 of the total cost of the improvement; Lot 7, Block 1, Oak Creek 3rd Addition shall pay 21,019/938,000 of the total cost of the

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Walter E. Evans
Name

303 S. Topeka, Wichita KS 67202
Address

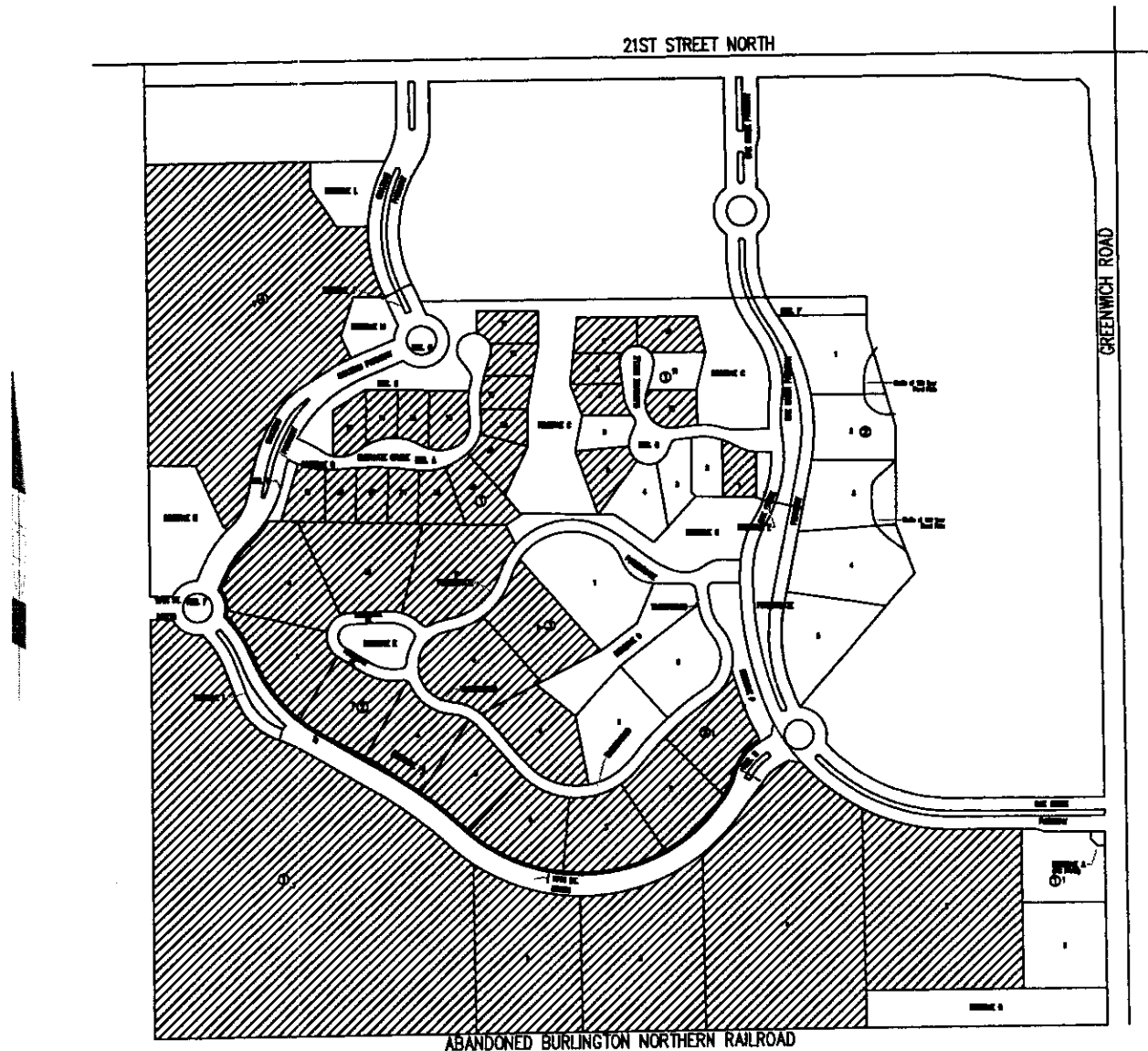
(316) 262-2691
Telephone No.

Sworn to and subscribed before me this 16th day of April,
2009.

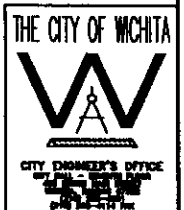


Deborah A. Indlock
Deputy City Clerk

OAK CREEK 2ND & 3RD ADDITION



BENEFIT DISTRICT 
 (ACTUAL ALIGNMENT TO BE
 DETERMINED BY DESIGN ENGINEER)



H

**PAVING PETITION
(CHATEAU PARKWAY AND 19TH STREET NORTH)**

(04/14/09)

To the Mayor and City Council
Wichita, Kansas

RECEIVED

APR 16 '09

CITY CLERK OFFICE

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

OAK CREEK 2ND ADDITION

Lots 3 thru 7, Block 1

Lots 1 thru 11, Block 2

Lots 2 thru 4, Block 3

Lot 1, Block 4

OAK CREEK 3RD ADDITION

Lots 1, 5, 7, 8, 9, 10, 12, and 13 thru 27, Block 1

472-84449

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended as follows:

- (a) That there be constructed pavement on 19th Street North from Chateau Parkway to Oak Creek Parkway and on Chateau Parkway from 19th Street North to a point 80 feet south of Lot 4, Block 2, Oak Creek Addition. That said pavement between aforesaid limits be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas. Drainage to be installed where necessary.
- (b) That the estimated and probable cost of the foregoing improvement being Nine Hundred Thirty Eight Thousand Dollars (\$938,000.00), with 100% percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after May 1, 2009.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at

any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis:

Lot 3, Block 1, Oak Creek 2nd Addition shall pay 36,536/938,000 of the total cost of the improvement; Lot 4, Block 1, Oak Creek 2nd Addition shall pay 52,014/938,000 of the total cost of the improvement; Lot 5, Block 1, Oak Creek 2nd Addition shall pay 25,569/938,000 of the total cost of the improvement; Lot 6, Block 1, Oak Creek 2nd Addition shall pay 21,938/938,000 of the total cost of the improvement; Lot 7, Block 1, Oak Creek 2nd Addition shall pay 130,388/938,000 of the total cost of the improvement; Lot 1, Block 2, Oak Creek 2nd Addition shall pay 3,119/938,000 of the total cost of the improvement; Lot 2, Block 2, Oak Creek 2nd Addition shall pay 3,119/938,000 of the total cost of the improvement; Lot 3, Block 2, Oak Creek 2nd Addition shall pay 3,119/938,000 of the total cost of the improvement; Lot 4, Block 2, Oak Creek 2nd Addition shall pay 3,379/938,000 of the total cost of the improvement; Lot 5, Block 2, Oak Creek 2nd Addition shall pay 3,379/938,000 of the total cost of the improvement; Lot 6, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 7, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 8, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 9, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 10, Block 2, Oak Creek 2nd Addition shall pay 25,838/938,000 of the total cost of the improvement; Lot 11, Block 2, Oak Creek 2nd Addition shall pay 23,142/938,000 of the total cost of the improvement; Lot 2, Block 3, Oak Creek 2nd Addition shall pay 25,722/938,000 of the total cost of the improvement; Lot 3, Block 3, Oak Creek 2nd Addition shall pay 25,722/938,000 of the total cost of the improvement; Lot 4, Block 3, Oak Creek 2nd Addition shall pay 20,206/938,000 of the total cost of the improvement; Lot 1, Block 4, Oak Creek 2nd Addition shall pay 58,526/938,000 of the total cost of the improvement; Lot 1, Block 1, Oak Creek 3rd Addition shall pay 2,079/938,000 of the total cost of the improvement; Lot 5, Block 1, Oak Creek 3rd Addition shall pay 15,603/938,000 of the total cost of the improvement; Lot 7, Block 1, Oak Creek 3rd Addition shall pay 21,019/938,000 of the total cost of the

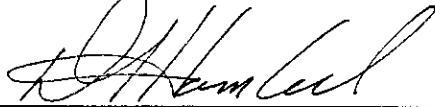
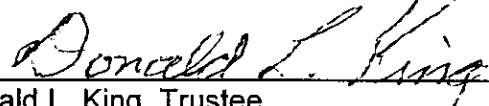

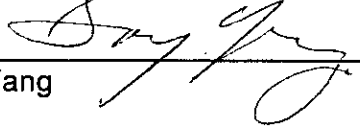
improvement; Lot 8, Block 1, Oak Creek 3rd Addition shall pay 21,019/938,000 of the total cost of the improvement; Lot 9, Block 1, Oak Creek 3rd Addition shall pay 2,079/938,000 of the total cost of the improvement the total cost of the improvement, Lot 10, Block 1, Oak Creek 3rd Addition shall pay 2,079/938,000 of the total cost of the improvement, Lot 12, Block 1, Oak Creek 3rd Addition shall pay 2,079/938,000 of the total cost of the improvement, Lots 13 thru 27, Block 1, Oak Creek 3rd Addition shall each pay 20,465/938,000 of the total cost of the improvement.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04.
3. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

LEGAL DESCRIPTION	SIGNATURE	DATE
<u>OAK CREEK 2ND</u>	SLAWSON COMMERCIAL PROPERTIES, L.L.C.	
<u>BLOCK 1</u> Lots 3 thru 7	By:  David A. Hambrick, Vice President	
<u>BLOCK 2</u> Lots 1 thru 11	ELIZABETH HENDERSON KING LIVING TRUST DATED JANUARY 4, 1995	
<u>BLOCK 3</u> Lots 2 thru 4	By:  Donald L. King, Trustee	
<u>BLOCK 4</u> Lot 1	YOUNGBOO & IVY YANG	
<u>OAK CREEK 3RD</u>		
<u>BLOCK 1</u> Lots 1, 5, 7, 8, 9, 10, 12, & 13 thru 27	By:  Youngboo Yang	
	By:  Ivy Yang	

AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Walter E. Dwyer
Name

303 S. Topeka, Wichita KS 67202
Address

(316) 262-2691
Telephone No.

Sworn to and subscribed before me this 16th day of April,
2009.



Deborah A. Indlock
Deputy City Clerk

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Petition to renovate building facade at 579 W. Douglas (southeast corner of Sycamore and Douglas) (District IV)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the petition.

Background: On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics for buildings along Douglas, between Seneca and Washington, and provide an incentive for businesses to improve their property. Up to two facades per building can be improved with 25% of the cost up to \$15,000 per facade in the form of a grant. The owner of a building located at 579 W. Douglas has submitted the required petition. The signature on the petition represents 100% of the improvement district. The project has received Design Council and Delano District approval.

Analysis: The existing building is a one story commercial building that was originally a gasoline filling station. The facade project will install new doors and windows; and return the storefront to its original appearance.

Financial Considerations: The project budget is \$80,000, with \$60,000 paid by special assessments and \$20,000 as a grant. The City Council has allocated \$761,000 for the grant component of the Facade Program. With the approval of this project plus previous projects, \$400,393 will be available for future projects.

There are pending modifications to the Facade Improvement Program which are being considered by the City Council in a separate agenda item. Specifically, the modification requires the property owner to show, through a gap analysis, that the improvements would not be possible without special assessment financing, based on the owner's ability to raise private capital assuming a market-based Return on Investment (ROI). The Office of Urban Development has reviewed financial information provided by the property owner and has determined that the project would not be financially feasible, assuming a reasonable ROI, without using the City's Facade Improvement Program.

Goal Impact: This project addresses the Dynamic Core Area goal by facilitating improvements to a privately owned building in the Delano area.

Legal Considerations: State Statutes provide the City Council authority to use special assessment funding for the project.

Recommendation/Action: It is recommended that the City Council approve the petition, adopt the resolution and authorize the necessary signatures.

Attachments: Exhibits, CIP sheet, petition, resolution and application.

First Published in the Wichita Eagle on May 15, 2009

RESOLUTION NO. 09-140

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING IMPROVEMENTS TO AREA WALLS ON PUBLIC WAY OR LAND ABUTTING PUBLIC WAYS CONSISTING OF FAÇADE IMPROVEMENTS TO THE PORTION OF 579 W. DOUGLAS THAT ABUTS PUBLIC WAYS, INCLUDING DOUGLAS AND SYCAMORE STREETS (472-84819) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING IMPROVEMENTS TO AREA WALLS ON PUBLIC WAY OR LAND ABUTTING PUBLIC WAYS CONSISTING OF FAÇADE IMPROVEMENTS TO THE PORTION OF 579 W. DOUGLAS THAT ABUTS PUBLIC WAYS, INCLUDING DOUGLAS AND SYCAMORE STREETS (472-84819) IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing improvements to area walls on public way or land abutting public ways consisting of façade improvements to the portion of 579 W. Douglas that abuts public ways, including Douglas and Sycamore streets (472-84819).

SECTION 2. That the estimated probable cost of the foregoing improvement being \$80,000, exclusive of the cost of interest on borrowed money, with \$60,000 payable by the improvement district and \$20,000 payable by the City at large.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

WEST WICHITA ADDITION

Lots 102, 104, and the west 16.3 feet of Lot 106, adjacent to Chicago now Douglas

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 6. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 7. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 12th day of May, 2009.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)



CAPITAL IMPROVEMENT				
PROJECT AUTHORIZATION				
CITY OF WICHITA				
<div style="display: flex; justify-content: space-between;"> <div> <p>USE:</p> <p>To Initiate Project <input type="checkbox"/></p> <p>To Revise Project <input checked="" type="checkbox"/></p> </div> <div> <p>1. Prepare in triplicate</p> <p>2. Send original & 2 copies to budget.</p> <p>3. City Manager to sign all copies.</p> <p>4. File original w/ initiating resolution in City Clerk.</p> <p>5. Return 2nd copy to initiating department.</p> <p>6. Send 3rd copy to Controller.</p> </div> </div>				
1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 4/21/2009	4. Project Description & Location Hydraulic; Harry - Kellogg	
5. CIP Project Number MS-	6. Accounting Number	7. CIP Project Date (Year) 2009	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date		11. Project Revised	
As Required				
12. Project Cost Estimate				
ITEM	GO	SA	KDOT	TOTAL
Right of Way	\$527,500			\$527,500
Paving, grading & const.				
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Railroad				
Totals	\$527,500			\$527,500
Total CIP Amount Budgeted				
Total Prelim. Estimate				
13. Recommendation: Approve the budget increase and amending Ordinance				
472-84310				
Remarks:				
<div style="display: flex; justify-content: space-between;"> <div> <p>12A.</p> <p>Platting Required <input type="checkbox"/></p> <p>Lot Split <input type="checkbox"/></p> <p>Petition <input type="checkbox"/></p> <p>Ordered by WCC <input checked="" type="checkbox"/></p> </div> <div> <p>Yes</p> <p>No</p> </div> </div>				
<div style="display: flex; justify-content: space-between;"> <div> <p>Division Head</p> <p><i>[Signature]</i></p> </div> <div> <p>Department Head</p> <p><i>[Signature]</i></p> </div> <div> <p>Budget Officer</p> <p><i>[Signature]</i></p> </div> <div> <p>City Manager</p> <p><i>[Signature]</i></p> </div> </div>				
<div style="display: flex; justify-content: space-between;"> <div>Date</div> <div>Date</div> <div>Date</div> <div>Date</div> </div>				

XII-6.

DEEDS AND EASEMENTS FOR MAY 19, 2009

Drainage and Utility Easement from CBB Northlakes, LLC, a Kansas limited liability company dated April 7, 2009 for tracts of land lying in the South Half of the Northeast Quarter, Section 24, Township 26 South, Range 1 West, of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas (OCA 607861) No Cost to City

Sanitary Sewer Easement from Lacrosse of Wichita, LLC, a Louisiana Limited Liability Company and Burnett-Wilson of Wichita, LLC, a Louisiana Limited Liability Company for a tract of land lying part of Lot 8, Brush Creek 3rd Addition, Wichita, Sedgwick County, Kansas (OCA 607861) No Cost to City

Utility Easement from Waterfront Residential Company, LLC, a Kansas limited liability company for a tract of land lying in a portion of Lot 20, Block 1, Waterfront Residential Addition, an addition to Wichita, Sedgwick County, Kansas (OCA 607861) No Cost to City

Utility Easement from Via Christi Regional Medical Center, Inc., a Kansas not-for-profit corporation for a tract of land lying in part of Lot 1, Block A, Via Christi-West Campus Addition, Sedgwick County, Kansas (OCA 607861) No Cost to City

Sanitary Sewer Easement from Via Christi Regional Medical Center, Inc., a Kansas not-for-profit corporation for a tracts of land lying in part of Lot 1, Block A and in part of Lot 1, Block B, Via Christi-West Campus Addition, Sedgwick County, Kansas (OCA 607861) No Cost to City

Sanitary Sewer Easement from Via Christi Regional Medical Center, Inc., a Kansas not-for-profit corporation for a tract of land lying in part of Lot 1, Block A, Block B, Via Christi-West Campus Addition, Sedgwick County, Kansas (OCA 607861) No Cost to City

Water Line Easement from David H. Gary Jr. and Karla Gray for a tract of land in the East Half of the Northeast Quarter of the of the Northwest Quarter of Section 29, Township 28, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas (OCA 607861) No Cost to City

Sanitary Sewer Easement from the City of Wichita, Kansas, a municipal corporation for a tract of land in part of Lot 1, Aikman Addition to Wichita, Kansas (OCA 607861) No Cost to City

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: Community Event: Victory in the Valley East Meets West Walk/Run.
(Districts IV & VI)

INITIATED BY: Division of Arts & Cultural Services

AGENDA: Consent

Recommendation: Approve the request for temporary street closures.

Background: In accordance with the Community Events Procedure, the event promoter Judy Lee Carter, Victory in the Valley is coordinating with City of Wichita Staff, subject to final approval by the City Council.

Analysis: The following street closure request has been submitted:

Victory in the Valley East Meets West Run/Walk June 6, 2009, 8:00 am – 9:30 am

- 2nd Street, Waco to McLean, west bound lanes.
 - Seneca Street, Central to McLean, north bound lanes.
- Please see attached map.

Client will arrange to remove blockades as necessary to allow emergency vehicle access during entire designated time period. Blockades will be removed immediately upon completion of the event.

Financial Consideration: The event sponsor is responsible for all costs associated with special event.

Goal Impact: Enhance the Quality of Life.

Legal Consideration: None

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Hiring off-duty certified law enforcement officers as required; (2) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department. (3) Certificate of Liability Insurance on file with the Community Events Coordinator.

Attachments: None.

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Relocation of NuStar Pipe Line along 21st Street North, between
K-96 Expressway and 159th Street East (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: On October 21, 2008 the City Council approved a construction contract to improve 21st Street North between K-96 Expressway and 159th Street East. The developer of the Monarch Landing Subdivision (north side of 21st, west of 159th) has requested that a right turn/deceleration lane adjacent to the development be added to the project. NuStar Pipeline is presently located in a prior existing private easement; road right-of-way acquired for the project overlays this private easement. Drainage system improvements associated with the added turn lane require relocation of a 100 foot segment of pipeline owned by NuStar Pipeline Operating Partnership L.P. It is the responsibility of the developer to pay the costs of necessary utility relocation due to the presence of the original easement. NuStar Pipeline has also agreed to consent to co-location of necessary road improvements within the existing easement.

Analysis: Cost to relocate Nustar Pipe Line Operating Partnership, L.P. pipe line is not to exceed \$29,042.00. Agreements have been prepared to authorize these expenditures and to formalize the co-location.

Financial Considerations: Funds are available in a paving Petition submitted by the developer. The funding source is special assessments.

Goal Impact: This Agreement addresses the Efficient Infrastructure goal by improving an important transportation route.

Legal Considerations: The Law Department has approved the Agreements as to form.

Recommendation/Action: It is recommended that the City Council approve the Agreements and authorize the necessary signatures.

Attachments: NuStar Pipe Line Operating Partnership, L.P. Relocation Agreement and NuStar Pipe Line Operating Partnership, L.P. Consent to Encroachment.

AGREEMENT

THIS AGREEMENT, by and between:

NUSTAR PIPE LINE OPERATING PARTNERSHIP, L.P.
7340 W. 21st Street N., Suite 200
Wichita, KS 67205
(hereinafter referred to as the "Company")

AND

City of Wichita
Mayor Carl Brewer
455 N. Main,
Wichita, KS 67202

(hereinafter referred to as the "City")

WITNESSETH:

WHEREAS, the Company is the owner of the right-of-way grant (the "Right-of-Way") consisting of 50 foot wide easement located in the South half of the Southeast Quarter of Section 1, Township 27 South, Range 2 East, Sedgwick County, Kansas (the "Real Estate"), under terms of which Right-of-Way, the Company owns, maintains, and operates a petroleum products pipeline traversing the Real Estate; and

WHEREAS, the City is fee owner of a portion of the Real Estate and an adjacent portion of property for the development of 21st Street Improvements, and has requested the Company to relocate a segment of its pipeline in order that the City may construct 21st Street Improvements over and across the pipeline.

NOW, THEREFORE, the parties hereto for and in consideration of their mutual promises, performances and consents, agree as follows:

1. Company agrees to relocate and lower a 100 foot section of its pipeline for the construction of the proposed 21st Street Improvements.
2. City agrees to reimburse Company for 100% of actual costs associated with the relocate and lower a 100 foot section of said pipeline. A cost estimate, Exhibit "A" is attached and made a part hereof. City shall, upon execution of this Agreement, pay 50% of the estimated cost shown on Exhibit "A." Upon completion of the protection of said pipeline, Company shall audit all actual labor, material, equipment,

supervision, overhead and related costs attributable to relocate and lower a 100 foot section of the pipeline and will submit an invoice to City for the remaining balance of the total actual cost of the project, whether it be more or less than the estimated amount.

City agrees to submit payment for said invoice within thirty (30) days from the date of invoice. Interest, at the rate of 12% per annum, shall be charged for late payment.

3. City agrees to provide for the restoration of all disturbed surface areas at City's cost. Company agrees to make best efforts to disturb only those surface areas required to relocate and lower a 100 foot section of the pipeline.
4. Company will schedule said work, and begin material procurement, only after the receipt of the original executed Agreement and the 50% deposit from the City.
5. It is understood and agreed by and among Company and City that in performing the work covered by this Agreement performed by or on behalf of the Company, the Company, its agents, servants, and employees shall be entitled to rely upon the plans, surveys, profiles, and any other information (the "Information") furnished to Company by City and City shall reimburse Company for, and defend indemnify and hold it harmless from and against any and all loss, costs, damage, expense, claims, suits, and liability on account of any and all damage to or loss or destruction of any property (including without limitation, the work covered hereunder and the property of City, any subcontractors, and Company) or injury to or death of any person (including, without limitation, employees of City, employees of any subcontractors, or any employee of Company) arising directly and indirectly out of the performance of this Agreement by Company if the same is caused by the Information furnished to Company by City. City assumes no liability for the sole negligent acts of Company, its agents, servants, or employees, and the parties agree that any such liability shall be determined by comparative negligence principles and the Kansas Tort Claims Act.
6. City shall pay promptly all indebtedness for labor, materials, tools, and equipment used in the performance of this Agreement or any other contract entered into by City in connection with City's construction of 21st Street Improvements. City shall not permit any lien to attach to the work or the premises upon which the work hereunder or any other contract entered into by City in connection with City's construction of 21st Street Improvements is being performed, but if any shall so attach, City shall promptly procure its release and hold Company harmless from all loss, cost, damage, or expense incidental thereto.

[Date and Signatures on following page.]

This AGREEMENT, executed this _____ day of _____, 2009

Company:

City:

NuStar Pipe Line Operating Partnership, L.P.,
A NuStar Energy, L.P., Company, by its
authorized representative

City of Wichita, KS

By: _____
(Print Name)

By: _____
Carl Brewer, Mayor

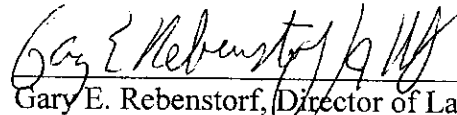
Title: _____

Attest:

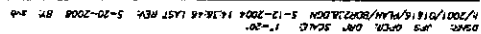
Signature: _____

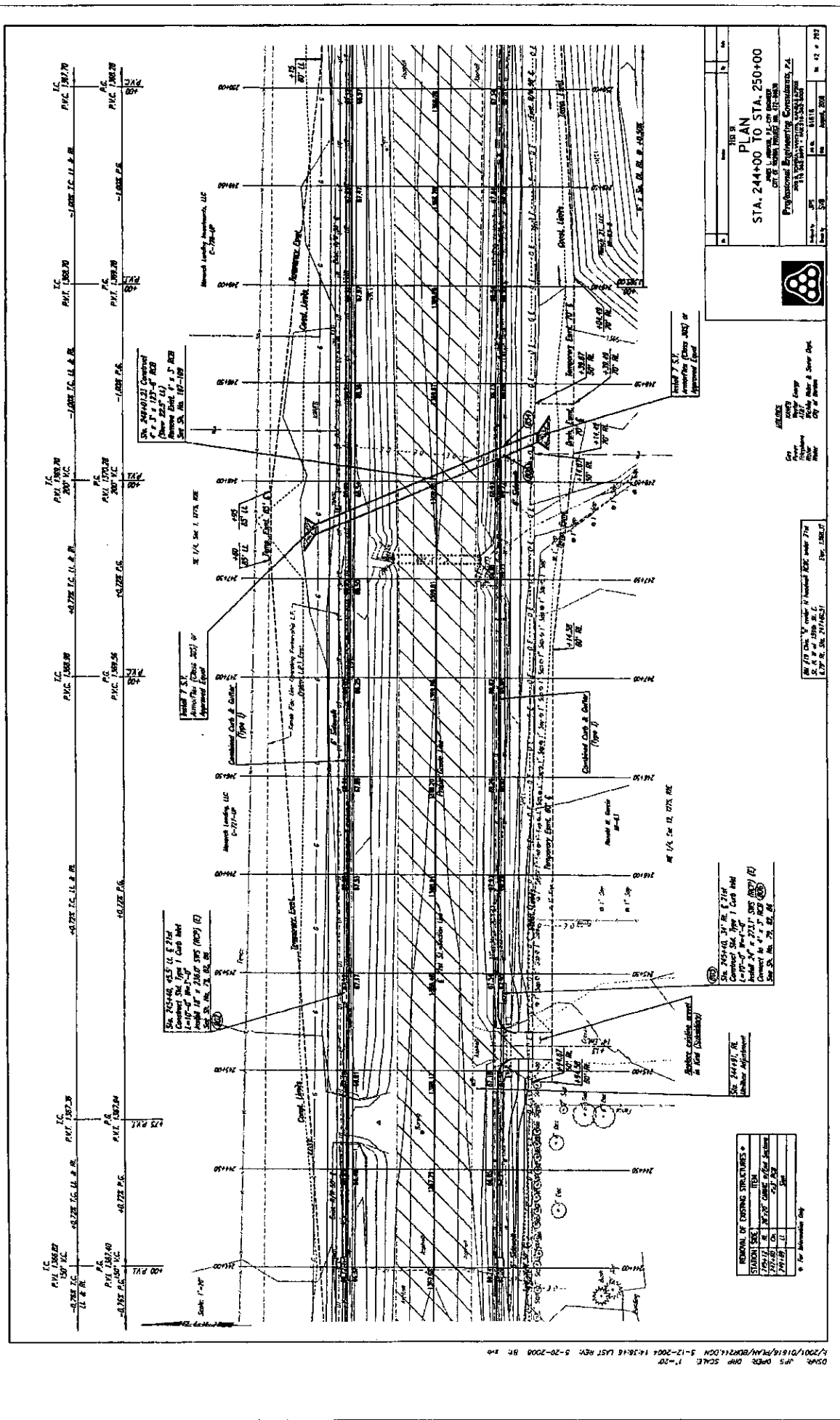
Karen Sublett, City Clerk

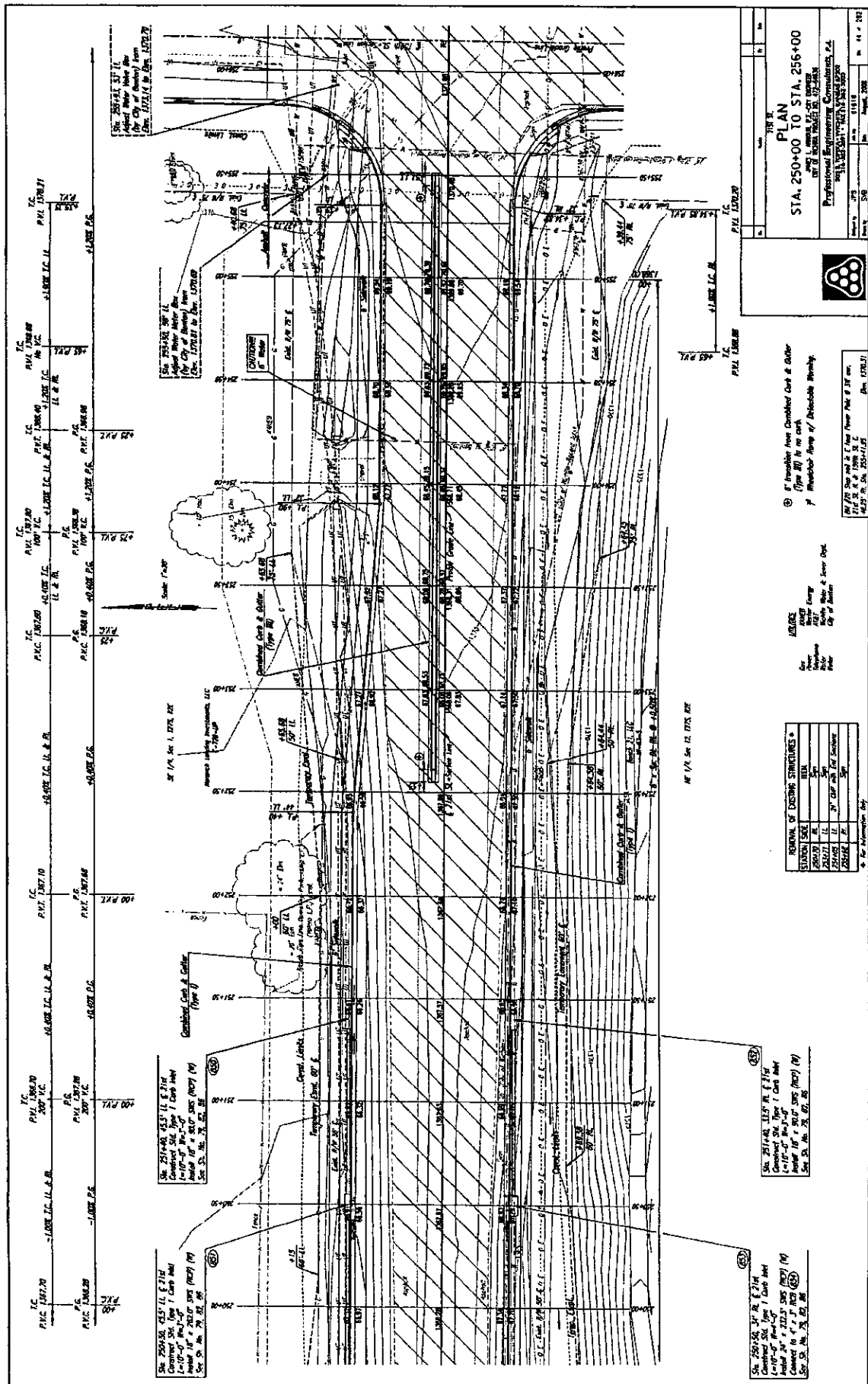
Approved as to form:



Gary E. Rebenstorf, Director of Law
and City Attorney







CONSENT TO ENCROACHMENT

THE STATE OF KANSAS §
 §
COUNTY OF SEDGWICK §

WHEREAS, the City of Wichita (hereinafter "the City") proposes to install a sidewalk (the "Sidewalk") for the use of the public over and across the following described real estate:

South Half of the Southwest Quarter of Section 1, Township 27 South, Range 2 East, Sedgwick County, Kansas, as shown on Exhibit A-1, A-2 and A-3;

WHEREAS, on the 25th day of August 1953, a predecessor to NuStar Pipeline Operating Partnership L.P. (hereinafter "NuStar") was granted a right-of-way, as described in the attached hereto as Exhibit B and may be further delineated in those Agreement and Partial Release of Right-of-Way grants, as described in the attached hereto as Exhibit C (such right-of-way as described in Exhibits B and C, the "Right-of-Way" and such right-of-way grants, the "Grants");

WHEREAS, the Sidewalk would encroach on the Right of Way as shown in Exhibit A;

WHEREAS, the City has requested that NuStar consent to such proposed encroachment and NuStar is agreeable to granting its consent to such encroachment;

NOW, THEREFORE, NuStar, subject to execution and delivery of this document by the City, and only to the extent to which it may lawfully do so under the terms and conditions of the Grants, does hereby consent only to the encroachment described on Exhibit A under the following terms and conditions:

1. The City shall construct the Sidewalk in such a manner that will not unreasonably interfere with the rights and use of NuStar's pipeline facilities and operation of the pipeline facilities. The City shall notify NuStar's representative at least forty-eight (48) hours in advance of any construction over, on, or upon the Right-of-Way. NuStar shall have the right to have its personnel on site during construction of the Sidewalk.
2. The City shall only install the Sidewalk under the express condition that no installation of said Sidewalk shall require NuStar, its successors and assigns, to repair, replace, or maintain said Sidewalk following the removal or damage necessary by the presence, operation, or maintenance of NuStar's present or future pipeline(s) or related appurtenances.
3. The City, its successors and assigns, does hereby agree to not grant or convey to any party the right to lay or construct any utility, included but not limited to pipelines,

telephone lines, cable or fiber optic lines, or any associated appurtenances, within the Right-of-Way.

4. The City, its successors and assigns, does hereby agree, to the extent permitted by law: (i) to release NuStar, its successors and assigns, from any and all costs, expenses or liability (which in absence of the above encroachment would not have occurred) resulting from damage to the Sidewalk that arise directly or indirectly out of the existence of NuStar's pipeline(s) and facilities, their condition, repair, maintenance, reconstruction, removal, or other operations relating to the pipeline(s) of NuStar, by NuStar, its agents, employees or representatives within the Right-of-Way, (ii) to indemnify and hold harmless NuStar for any and all costs, expenses or liability (which in the absence of the above encroachment would not have occurred) resulting from damage to NuStar's pipeline and related facilities that arise directly or indirectly out of the existence of the Sidewalk, their condition, repair, maintenance, reconstruction, removal, or other operations relating to the Sidewalk of the City, by the City, its agents, employees or representatives within the Right-of-Way, including, without limitation, any property damage, personal injury, death or other loss or expense resulting directly or indirectly from the Sidewalk; and (iii) to indemnify and hold harmless NuStar against any and all reasonable costs and expenses of NuStar over and above those costs and expenses which, in the absence of such encroachments, would normally have been incurred by NuStar in the repair, reconstruction, relocation, enlargement or maintenance of the existing works and facilities of NuStar situated within the Right-of-Way.

5. NUSTAR, IN GRANTING ITS CONSENT TO THE ENCROACHMENTS DESCRIBED HEREIN, MAKES NO WARRANTIES OF ANY KIND, AND SPECIFICALLY MAKES NO WARRANTIES OF USE OR OF TITLE, GENERAL, SPECIAL OR OTHERWISE.

6. THIS AGREEMENT GRANTS NO INDEPENDENT RIGHT TO THE CITY TO ENTER ONTO THE LANDS COVERED BY THE GRANTS AS DESCRIBED ABOVE. NUSTAR MAKES NO ASSIGNMENT OF ANY OF ITS RIGHTS UNDER THE GRANTS BY THIS INSTRUMENT. THE CITY MUST OBTAIN AN EASEMENT OR OTHER LEGAL AUTHORITY FROM THE SURFACE AND FEE OWNERS OF THE LANDS COVERED BY THIS AGREEMENT SUFFICIENT TO AUTHORIZE THE CITY'S PROPOSED OPERATIONS AND INSTALLATIONS. IF THE CITY FAILS TO OBTAIN EASEMENTS OR RIGHTS OF WAY FROM THE SURFACE FEE OWNERS, WHICH GRANT TO APPLICANT THE RIGHT TO ENTER ONTO THE LANDS DESCRIBED IN THE EXHIBITS HERETO, AND THAT ARE SUBJECT TO THE TERMS HEREOF, THIS AGREEMENT SHALL BE NULL, VOID AND OF NO EFFECT.

[Date and signatures only on the following page]

Executed this _____ day of _____, 2009.

NuStar Pipeline Operating Partnership L.P.
by NuStar Pipeline Company, LLC, its
general partner

By: _____

Name: _____

Authorized Partner

City of Wichita, KS

Carl Brewer, Mayor

Attest:

Karen Sublette, City Clerk

Approved as to form:

_____

Gary E. Rebenstorf, Director of Law
and City Attorney

STATE OF TEXAS §

COUNTY OF BEXAR §

 This instrument was acknowledged before me this _____ day of _____, 2009 by _____ as a _____ of NuStar Pipeline Company, LLC, a Delaware corporation, as the general partner of NuStar Pipeline Operating Partnership L.P., a Delaware limited partnership, who declared that he executed the same as the act of each of said entities, for the purposes therein stated and with proper authority to do so.

Notary Public
State of Texas

THE STATE OF KANSAS §

COUNTY OF SEDGWICK §

 This instrument was acknowledged before me on this _____ day of _____, 2009, by _____, as Mayor of the City of Wichita, who declared that he executed the same on behalf of said City of Wichita.

Notary Public in and for the State of Kansas

My commission expires:

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Supplemental Agreement for Midtown Bike Path (District VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the supplemental agreement.

Background: On May 4, 2004, the City entered into an agreement with Ruggles & Bohm, P.A. to design a bike path along the abandoned Union Pacific Railway Corridor in Midtown.

Analysis: On April 7, 2009 the City Council approved paving Wichita Street between Murdock and 8th Street, which adjoins the bike path. Because Ruggles & Bohm has extensive knowledge of the street project area by virtue of the Midtown Bike Path on the west side of the unpaved road, they have been asked to design Wichita Street between Murdock and 8th Street. A supplemental agreement with Ruggles & Bohm has been prepared to expedite the plans.

Financial Considerations: Payment to Ruggles & Bohm for this supplemental agreement will be made on a lump sum basis of \$7,700, and will be paid by special assessments. Funding is available within the Wichita Street paving project.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing paved access in an existing commercial area.

Legal Considerations: The supplemental agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the supplemental agreement and authorize the necessary signatures.

Attachments: Supplemental agreement

SUPPLEMENTAL AGREEMENT NO. 3
TO THE
AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 4, 2004
BETWEEN
THE CITY OF WICHITA, KANSAS
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE
"CITY"
AND
RUGGLES & BOHM, P.A.
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 4, 2004) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **MIDTOWN BIKE PATH/GREENWAY, CENTRAL & WACO TO 15TH & BROADWAY** (Project No. 472 84008, OCA No. 706884).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

**Wichita Street between Murdock and 8th Street
(Project No. 472 84796)**

B. PAYMENT PROVISIONS

The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee amount of **\$7,700.00.**

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by **May 20, 2009**; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this _____ day of _____, 2009.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

RUGGLES & BOHM, P.A.

(Name and Title)

ATTEST:

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: Agreement for Design Services Downtown wayfinding (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the agreement.

Background: On March 3, 2009, the City Council approved an agreement with Sedgwick County which provides for the installation of wayfinding signs for the Intrust Arena with the work to be administered by the City and the design cost to be funded 50% by the County and 50% by the City.

Analysis: The proposed agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for designing modifications to the wayfinding system to incorporate the Intrust Bank Arena and its parking areas. The agreement also includes the development of detailed streetscaping/street configuration design guidelines for the Arena Neighborhood. The Staff Screening and Selection Committee met on April 3, 2009 to interview four consultants (Gould Evans, Law Kingdon, Mayfield Creative, PEC) for designing the downtown wayfinding modifications. Even though their proposal was not the lowest, the Staff Screening and Selection Committee selected PEC based on their clear recognition of all aspects of the scope of the project, and apparent ability to meet the aggressive timeline proposed. PEC's design team also includes members that were involved in the original wayfinding project.

Financial Considerations: Payment to PEC will be on a lump sum basis of \$150,000 with \$75,000 paid by the City and \$75,000 paid by the County. Funding source for the City share is the Center City South Tax Increment Financing District.

Goal Impact: The project addresses the Efficient Infrastructure and Vibrant Downtown Goals by improving the area around the Intrust Bank Arena.

Legal Considerations: The agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the agreement and authorize the necessary signatures.

Attachments: Agreement.

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

PROFESSIONAL ENGINEERING CONSULTANTS, P.A.

for

DOWNTOWN WAYFINDING

THIS AGREEMENT, made this _____ day of _____, 2009, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and PROFESSIONAL ENGINEERING CONSULTANTS, P.A., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to construct;

DOWNTOWN WAYFINDING

(Project No. 472 84799)

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for designing modifications to the downtown wayfinding system and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

- A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).
- B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.
- C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.
- D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.

- E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.
- F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.
- G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.
- H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.
- I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.
- J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$20,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation – Statutory
Employer's Liability - \$500,000 each occurrence.

- Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.
- K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

III. THE CITY AGREES:

- A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.
- B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.
- C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.

- D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.
- E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.
- F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

IV. PAYMENT PROVISIONS

- A. Payment to the ENGINEER for the performance of the professional services required by this agreement shall be made on the basis of the lump sum fee amount specified below:

Project No. 472 84799

\$150,000.00

During the progress of work covered by this agreement, partial payments may be made to the ENGINEER at intervals of one calendar month. Accumulated partial payments for the PROJECT shall not exceed eighty-five percent (85%) of the total fees for services prior to satisfactory completion of all work required by this agreement

- A. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:
 - 1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
 - 2. Additional design services not covered by the scope of this agreement.
 - 3. Construction staking, material testing, inspection and administration related to the PROJECT.
 - 4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.
- B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, damages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.
- C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.
- E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.
- F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.
- G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.

- H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

Carl Brewer, City Mayor

SEAL:

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, Director of Law

PROFESSIONAL ENGINEERING CONSULTANT, P.A.

(Name & Title)

ATTEST:

SCOPE OF SERVICES
DOWNTOWN WAYFINDING
(472 84799)

The City installed downtown wayfinding signage in 2001. The plan of the City’s wayfinding signage system is available, as is an inventory and evaluation of the wayfinding signage as it is currently installed. The ENGINEER will design modifications to the wayfinding system to incorporate the Intrust Bank Arena and its parking areas. The design of modifications to the wayfinding system for the Intrust Bank Arena should contain unifying elements with the existing wayfinding signage. At a minimum, the design of the modifications to the wayfinding system should address:

1. Potential modifications to the district structure of the existing wayfinding system to address the Intrust Bank Arena, including a possible new district for the Arena neighborhood area
2. Modifying the existing wayfinding signage to guide motorists to parking areas for the Intrust Bank Arena.
3. Guiding motorists from the regional highway system to the designated parking areas for the Intrust Bank Arena, including coordination with the Kansas Department of Transportation on sign location and installation methods
4. Guiding pedestrians from parking areas, transit stops, and other districts within downtown to the Intrust Bank Arena
5. Development of non-signage wayfinding techniques including the integration and incorporation of wayfinding elements in future streetscape designs
6. Incorporating the wayfinding system with technological advances including recommendations on incorporating wayfinding into the intelligent transportation system improvements for the regional highway system and the City’s transit system, and the use of changeable electronic displays to direct motorists to available parking within downtown, especially during high-occupancy events

The design shall include a method of fabrication for new signs and replacement of existing signs, to match those within the current system. The fabrication process shall provide durable, long-lasting signs that are protected from UV damage, can be cleaned of graffiti, and provide the necessary reflectivity. The wayfinding system design should include designs suitable to seek bids for construction and system development and should include detailed cost estimates for construction, system development, and operation/maintenance for each system improvement. The wayfinding system design should recommend future procedures for operating and maintaining the system. The wayfinding system should be designed in a manner that allows for easy modification as conditions change in the future and should recommend procedures for accomplishing future changes. The applicability of the guidelines of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Standard Highway Signs Manual will be assessed and utilized in the design where appropriate.

The wayfinding system design shall include modifications to any and all existing signs such that the revised system functions appropriately with the new additions for the Intrust Bank Arena neighborhood and parking areas.

The wayfinding system design also should be easily incorporated with future streetscaping improvements that will be constructed in stages as redevelopment of the neighborhood surrounding the Intrust Bank Arena occurs. The *Arena Neighborhood Redevelopment Plan* defines three street types and designates certain street segments by street type within the plan area. The street types are “balanced,” “pedestrian,” and “plaza.” A “balanced” street makes equal accommodations for vehicles and pedestrians and serves as a primary corridor for through traffic. A “pedestrian” street gives priority to pedestrians over vehicles and primarily carries vehicular traffic from a “balanced” street to an end destination within an area. A “plaza” street is a “pedestrian” street that also may be closed to vehicular traffic during special events to support street festivals, high levels of pedestrian traffic to a destination, etc. Differing wayfinding system improvements should be designed based on location to support with the future function of street segments as defined by the *Arena Neighborhood Redevelopment Plan*.

The City has an existing streetscaping program and has constructed or is constructing substantial streetscaping improvements in downtown, including in Old Town, WaterWalk, the Arena Neighborhood, Delano, and along Douglas in the Central Business District. Future streetscaping improvements within the Arena Neighborhood will utilize the streetscaping elements used for existing downtown streetscaping. In order that the wayfinding system improvements are easily incorporated with future streetscaping improvements, generalized guidelines need to be developed as part of this scope of services for each of the three street types to guide future detailed design of streetscaping improvements. These generalized guidelines should be based on utilization of streetscape elements currently used in downtown with provisions for minor modifications that help establish a unique identity for each of the four districts (Douglas Corridor District, English/William District, Broadway Neighborhood District, and Commerce Street Arts District) defined in the *Arena Neighborhood Redevelopment Plan*.

These generalized guidelines should focus on a graphical representation of the streetscape elements for the casual user and provide a more detailed textual description of the streetscape elements for use by the design community in the development of construction drawings for future streetscaping improvements. To the extent possible, the textual descriptions should use charts and tables to ease understanding. At a minimum, the streetscape elements to be addressed by the generalized guidelines are:

1. Sidewalks – width of pedestrian path and amenity zone; paving material for pedestrian path, amenity zone, vehicular crossings, building/plaza entrances, and street intersections
2. Street lights – type, height, spacing, and location for both vehicular and pedestrian fixtures; incorporation into traffic signals; use of banners
3. Landscaping – palate of climate-appropriate materials; spacing of plantings; mixture of plantings; planting bed designs; use of potted plants; maintenance/irrigation procedures
4. Street furniture – type, spacing, and location for benches, bicycle racks, bollards, bus shelters, mail boxes, newspaper racks, public art, regulatory signage, trash receptacles, and wayfinding signage
5. Streets – number of lanes; use of turn lanes; width of lanes; landscaped median design and location; paving material for street, intersection, and crosswalk; use of curb extensions at intersections; curb radii; location of traffic signals and control boxes
6. Parking – dimensions for parallel and angled on-street parking; location of on-street parking spaces in relation to street and alley intersections, private drives, loading zones; and transit stops; strategies for maximizing the number of on-street parking spaces; location of parking meters

City Information Available

The City will make available to the consultant general information concerning: parcel mapping, demographics; water and sewer utilities; surface drainage and floodplain status; historic resources; environmental data; existing land use; zoning; land ownership; and appraised value and building condition from tax assessor's files. The plan of the City's existing wayfinding signage system is available, as is an inventory and evaluation of the wayfinding signage as it is currently installed. Much of the aforementioned data layers can be made available to the consultant in digital format using the City/County GIS system. The consulting firm selected is expected, through their own efforts, to obtain any other needed information.

- Wayfinding Concept designs are due May 8, 2009.
- Wayfinding Office Check plans are due June 5, 2009.
- Final Wayfinding Construction plans are due July 1, 2009.
- Streetscaping Improvement Guidelines are due December 1, 2009.

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council Members

SUBJECT: Change Order: 2008 Sanitary Sewer Reconstruction Program (south of Central, east of West Street) (Districts IV & VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the change order.

Background: On May 20, 2008, the City Council approved a construction contract with W.B. Carter Construction Co., Inc. to reconstruct sanitary sewer lines located south of Central, east of West Street. After the work began, it was determined that 500 feet of pipe was encased in concrete that should be removed. In addition, a manhole was reconstructed to eliminate existing pipe grade problems and a manhole was relocated out of a valley gutter.

Analysis: A change order has been prepared for the cost of the additional work. Funding is available within the project budget.

Financial Considerations: The total cost of the additional work is \$14,580 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$246,000. The change order represents 5.93% of original contract amount.

Goal Impact: This project addresses the Efficient Infrastructure goal by providing ongoing maintenance of the City's sanitary sewer system.

Legal Considerations: The Law Department has approved the change order as to legal form. The change order amount is within the 25% of construction contract cost limit set by City Council policy.

Recommendation/Action: It is recommended that the City Council approve the change order and authorize the necessary signatures.

Attachment: Change order.



PUBLIC WORKS-ENGINEERING

April 7, 2009
CHANGE ORDER

To: W.B. Carter Construction Co., Inc.

Project: 2008 Sanitary Sewer Reconstruction
Phase 4

Change Order No.: 1

Project No.: 468-84511

Purchase Order No.: 800571

OCA No.: 620508

CHARGE TO OCA No.: 620508

PPN: 668627

Please perform the following extra work at a cost not to exceed \$14,580.00

A manhole was reconstructed and additional pipe was required on Site 8 to alleviate the existing pipe grade problems. Concrete easement was removed on Site 1 & Site 7, and a manhole on Site 6 was moved out of a valley gutter requiring additional pipe. A sewer service on Site 10 was unable to be relocated due to underground conflicts, and was placed back in its original location. All change order work required 10 additional days to complete.

CIP Budget Amount: \$455,000.00

Consultant: Staff

Total Exp. & Encum. To Date: \$272,227.69

CO Amount: \$14,580.00

Unencum. Bal After CO: \$168,192.38

Original Contract Amt.: \$246,000.00

Current CO Amt.: \$14,580.00

Amt. of Previous CO's: \$0.00

Total of All CO's: \$14,580.00

% of Orig. Contract / 25% Max.: 5.93%

Adjusted Contract Amt.: \$260,580.00

Recommended By:

Approved:

Greg Baalman, P.E.
Construction Engineer

Date

Jim Armour, P.E.
City Engineer

Date

Approved:

Approved:

Contractor

Date

Chris Carrier, P.E.
Director of Public Works

Date

Approved as to Form:

By Order of the City Council:

Gary Rebenstorf
Director of Law

Date

Carl Brewer
Mayor

Date

Attest:

City Clerk

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Hess Electrical Improvements – Change Order

INITIATED BY: Water Utilities

AGENDA: Consent

Recommendation: Approve Change Order No. 3 with Shelley Electric, Inc. for Hess Pump Station electrical improvements.

Background: On November 20, 2007, the City Council approved a Contract with Shelley Electric, Inc. to construct electrical improvements to the Hess Pump Station. Change Order No. 1 in the amount of \$17,600 was approved by City Council on May 13, 2008; Change Order No. 2 amounting to \$47,465 was approved on February 3, 2009.

Analysis: Hess Pump Station is a vital component of the City's water system. The project will replace three (3) of the pump station's eight (8) motors, replace two (2) variable speed drives and replace most of the electrical components in the pump station. Change Order No. 3 includes:

- modifications to panel L-4, AFD-3 fans, AFD-3 aux motor exciters and battery chargers to be powered from an emergency back-up power source.
- reworking the piping and tap for the Pump No. 7 pressure indicator piping to standardize all pumps opening and closing functions.
- repairing damage to existing bearing sleeves on Pump No. 4.

Financial Consideration: The original Contract was \$2,476,425. Change Order No. 1 increased the Contract by \$17,600 for a total of \$2,494,025. Change Order No. 2 increased the Contract by \$47,465 to \$2,541,490 and Change Order No. 3 will increase the Contract by \$15,591 or 0.61 percent. The cost breakdown for Change Order No. 3 follows:

- modifications to panel L-4, AFD-3 fans, AFD-3 aux motor exciters and battery chargers to be powered from an emergency back-up power source - \$10,733.
- reworking the piping and tap for the Pump No. 7 pressure indicator piping to standardize all pumps opening and closing functions - \$1,283.
- repairing damage to existing bearing sleeves on Pump No. 4 - \$3,575.

Funds are available in CIP W-902, Hess Electrical Improvements.

Goal Impact: The Change Order will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project helps to assure that adequate water pressures are maintained throughout the distribution system.

Legal Considerations: The Change Order has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Change Order No. 3 and authorize the necessary signatures.

Attachments: Change Order No. 3 with Shelley Electric, Inc.

CITY OF WICHITA, KANSAS
HESS PUMPING STATION ELECTRICAL IMPROVEMENTS

CHANGE ORDER NO. 3

This Change Order No. 3 covers adjustments to the Contract Price and Contract Time which resulted from the changes in the work described herein.

ITEM CO3-1. REQUEST FOR PROPOSAL NO. 8 – Emergency Circuits

Initiated by: Owner/Contractor

This change includes modifying panel L-4, AFD-3 fans, AFD-3 aux motor exciters and battery chargers to be powered from an emergency back-up power source. This change results in an increase in Contract Price of \$10,733.00, and no change in Contract Time.

ITEM CO3-2. REQUEST FOR PROPOSAL NO. 9 – Piping and Tap for Pump No. 7

Initiated by: Owner

This change includes reworking the piping and tap for the Pump No. 7 pressure indicator piping to standardize all pumps opening and closing functions. This change results in an increase in Contract Price of \$1,283.00, and no change in Contract Time.

ITEM CO3-3. REQUEST FOR PROPOSAL NO. 10 – Repair Pump No. 4 Shaft

Initiated by: Contractor/Owner

This change includes repairing damage to existing bearing sleeves on Pump No. 4. This change results in an increase in Contract Price of \$3,575.00, and no change in Contract Time.

CITY OF WICHITA, KANSAS
HESS PUMPING STATION ELECTRICAL IMPROVEMENTS

CHANGE ORDER NO. 3

COST SUMMARY

The Contract Price shall be modified as follows as a result of the changes described by this modification request. Additions to the Contract amount are indicated by a "+" in front of the amount, deductions by a "-".

<u>Item</u>	<u>Description</u>	Increase/Decrease In Contract Price (+/-)
CO3-1	RFP No. 8 – Emergency Circuits	<u>+\$10,733.00</u>
CO3-2	RFP No. 9 – Piping and Tap for Pump No. 7	<u>+\$1,283.00</u>
CO3-3	RFP No. 10 – Repair Pump No. 4 Shaft	<u>+\$3,575.00</u>

NET CHANGE IN CONTRACT PRICE	\$+15,591.00
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BID AMOUNT OF ORIGINAL CONTRACT	\$2,476,425.00
PREVIOUS CHANGE ORDER ADJUSTMENTS	<u>\$65,065.00</u>

CURRENT CONTRACT AMOUNT	\$2,541,490.00
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CHANGE ORDER NO. 3	<u>+\$15,591.00</u>
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ADJUSTED CONTRACT AMOUNT	\$2,557,081.00
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CITY OF WICHITA, KANSAS
HESS PUMPING STATION ELECTRICAL IMPROVEMENTS

CHANGE ORDER NO. 3

TIME SUMMARY

There shall be no adjustment to Contract Times as a result of the changes identified above.

There shall be an adjustment to Contract Times as a result of the changes identified in Change Order No. 2. Project tasks that have a completion date dependent on activities associated with the Generator Project (PEC#20-06030-03C) shall have the same Substantial Completion date as the Generator Project, August 1, 2009. Such tasks are mainly related to extending the two 8kV circuits an extra 110 feet to the Generator Building where the new substation breakers will be located. Substantial Completion remains the same as stated in the Contract Documents for all other project tasks including the requirement that all pumps are to be operational by April 1, 2009. The Final Completion date will not change.

There shall be no adjustment to Contract Times as a result of the changes identified in Change Order No. 1.

This change order includes all costs, direct, indirect, and consequential, and all changes in contract time arising from the work included in items CO3-1 through CO3-3. No additional claims shall be made for changes in contract price or contract time arising from this work items except as allowed by final quantity adjustment based on unit price work items.

All other provisions of the contract remain unchanged.

Agreed to this 16 day of April, 2009

Approved:
Shelley Electric

By: Godi DeStaffeur

Date: 4/16/2009

Approved:
City of Wichita

By: Carl Brewer, Mayor

Date: _____

ATTEST:

By: Karen Sublett, City Clerk

APPROVED AS TO FORM:

By: Gary Rebenstorf, Director of Law

**CONTRACTS & AGREEMENTS
BLANKET PURCHASE ORDERS RENEWAL OPTIONS
APRIL 2009**

COMMODITY TITLE	EXPIRATION DATE	VENDOR NAME	DEPARTMENT	ORIGINAL CONTRACT DATES	RENEWAL OPTIONS REMAINING
Bicycle Services, Parts & Repairs	4/30/2010	Bicycle X Change Shops	Police	5/1/1998 - 4/30/1999	Annual basis
Computer Training-Provide Local Technology and Computer Based	4/30/2010	Executrain of Wichita LLC	IT / IS	5/20/2008 - 4/30/2009	1 - 1 year option
Elevator Maintenance	4/30/2009	Kone, Inc.	Various	5/1/2005 - 4/30/2006	1 - 1 year option
Filter Fly Control Chemicals	4/30/2010	Precision Control Technology, Inc.	Water Utilities	5/13/2003 - 4/30/2004	Annual basis
Landscape Maintenance for North and South Police Substations	4/30/2010	Complete Landscaping Systems, Inc.	Police	5/1/2008 - 4/30/2009	1 - 1 year option
Mow, Edge Trim & Maint. at Cowtown Museum	4/30/2010	Arguelles Lawn Service	City Manager	5/1/2008 - 4/30/2009	1 - 1 year option
Office Supplies, General	4/30/2010	Office Depot	Finance	5/1/2007 - 4/30/2008	2 - 1 year options
Paint, Airfield Traffic Line	4/30/2010	LBS Enterprises LLC dba Allstates Coating Company	Airport	5/1/2008 - 4/30/2009	1 - 1 year option
Paper Recycling	4/30/2009	Weyerhaeuser	Various	5/1/2008 - 4/30/2009	2 - 1 year options
Police Cycling Helmets & Gloves	4/30/2010	Bicycle X Change Shops	Police	5/1/2003 - 4/30/2004	Annual basis
Runway Derubberizing Compound	4/30/2010	Chemtek, Inc.	Airport	5/1/2008 - 4/30/2009	1 - 1 year option
Spanish Speaking Facilitator for the Wichita Intervention Program	4/30/2010	Higher Ground, a Tiyospaye, Inc. Program	Municipal Court	5/1/2008 - 4/30/2009	3 - 1 year options
Traffic Sign Blanks	4/30/2010	Osburn Associates, Inc.	Public Works	5/1/2008 - 4/30/2009	1 - 1 year option
Uniforms - Police Recruit	4/30/2010	Lous Sporting Goods Wichita	Police	5/15/2008 - 4/30/2009	1 - 1 year option

**PROFESSIONAL CONTRACTS UNDER \$25,000
PURCHASE ORDERS FOR APRIL 2009**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		

**ANNUAL MAINTENANCE CONTRACTS OVER \$25,000
DIRECT PURCHASE ORDERS FOR APRIL 2009**

VENDOR NAME	DOCUMENT NO	DOCUMENT TITLE	AMOUNT		
Esri	DP930585	Software Maintenance/Support	\$28,330.69		
Dell Marketing L P	DP930586	Software Maintenance/Support	\$58,837.03		
The Active Network	DP930674	Software Maintenance/Support	\$28,516.69		
Ventyx Inc.	DP930691	Software Maintenance/Support	\$128,353.00		

Agenda Item No. XII-13.

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Buffalo Park pond, CFAP grant application. (District V)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Approve the grant application.

Background: In 1993, a fishing pond was constructed with grant funds provided by the State of Kansas, Department of Wildlife and Parks under the urban lake program. Until recently, the fishing pond in Buffalo Park was an attractive feature for area fisherman. However, the growth of Eurasian milfoil, algae which is considered an invasive species, has become a nuisance for anglers. It is also potentially harmful for other surrounding lakes, streams, and ponds in the Wichita area.

Analysis: The eradication of the Eurasian milfoil is attainable through the application of a known algaecide called Sonar. This aquatic herbicide is very effective, yet very expensive to purchase.

Financial Considerations: The Community Fisheries Assistance Program (CFAP) provides grants to urban fisheries for various projects. The application for the CFAP grant is due on June 1, 2009. The Park Department is requesting \$12,000 in funding for the product. The 25% matching portion of the grant will be done through in-house labor, application of the product, and bank vegetation control.

Goal Impact: Buffalo Park pond provides a quality of life venue for many Wichita citizens.

Legal Considerations: The Law Department has approved the grant application as to form.

Recommendations/Actions: It is recommended that the City Council 1) Approve the grant application

Attachment: CFAP grant application



Competitive Development Grant Application

Kansas Department of Wildlife and Parks
Community Fisheries Assistance Program
Due June 1, 2009 for FY10
Submit to Local District Fisheries Biologist



Program Cooperator: City of Wichita, Park and Recreation Dept. FEIN: 48-6000653

Impoundment Name: Buffalo Park Lake

Project Title: Eradication of Eurasian Milfoil and Bank vegetation control

Legal Description: SW Qtr of Sec: 20 Township 27 Range 01W
of Sedgwick County, Kansas.

Applicant Name: City of Wichita

Address: 455 N. Main

Wichita, KS 67202

Total Project Cost: \$16,000

Requested Grant Funds \$12,000 % of Total Project Cost: 75%

Available Local Funds \$4,000 % of Total Project Cost: 25%

Project Completion Date (approx.): Summer or Fall 2009

***** Please attach an itemized list of project costs, including and identifying in-kind costs, such as Labor, Equipment and/or Materials. Local funds must be at least 25% of total project cost for application to be considered.*****

The Program Cooperator, City of Wichita is responsible for providing proof of all payment for all applicable materials and services, including labor.

Statement of Need and Benefit: Please attach an additional sheet of paper describing the need for and benefit of this particular project.

Statement of Application: This application is submitted to the Kansas Department of Wildlife and Parks for the reimbursement of funds proposed for the development of fishing and/or boating opportunity as listed. The design and cost of the project is subject to approval by the Department of Wildlife and Parks. All related permit requirements are the responsibility of the applicant.

Carl Brewer
Applicant Name (Please Type or Print)

Mayor of the City of Wichita 5/12/2009
Applicant Title Date

Applicant Signature

District Fisheries Biologist Signature

"Equal opportunity to participate in and benefit from the Community Fisheries Assistance Program is available to all individuals without regard to their race, color, sex, religion, national origin, age, handicapped or disability status, or political affiliation. Complaints of discrimination should be sent to: Office of the Secretary, Kansas Department of Wildlife and Parks, 1020 South Kansas Ave, Suite 200, Topeka, Kansas 66612-1327."

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: Vietnam Community Memorial in Veteran's Park. (District VI)

INITIATED BY: Department of Park and Recreation

AGENDA: Consent

Recommendation: Staff recommends that the memorial donation be approved by the City Council as it was presented on April 15, 2009 to the Design Council. Private funds are being raised to fulfill their commitment to partner with the Park Board to complete this project.

Background: On August 14, 2006, members of the Wichita Vietnamese Community presented a concept plan to the Park Board to create a memorial in Veteran's Park. The motion passed 7-0 and permission to develop a memorial at this location was approved. Though the memorial was approved, another meeting on September 11, 2006 was held to receive additional feedback and information from the citizens concerned about the memorial. Additional comments from the public were made the following day during the public agenda session for a City Council meeting on September 12, 2006.

On January 16, 2008 the concept plan was presented to Design Council for initial feedback. At that time, Design Council made the motion that the design be approved with the exception that the Wichita Vietnamese Community hire professional design assistance for refinement. Subsequently, the plan was taken back to Design Council for final review and was approved on April 15, 2009.

Analysis: The proposed memorial has been reviewed and approved by the Park Board and Design Council. The schedule for actual development is not yet known, pending fundraising for the memorial. However, the Wichita Vietnamese Community has provided due diligence with city staff and others for approval. Staff recommends that the memorial donation be approved as it was presented on April 15, 2009 to Design Council.

Financial Considerations: None. Development for this project will be provided with private funding. Staff recommends that a maintenance agreement for the memorial be provided by the Wichita Vietnamese Community.

Goal Impact: The memorial will provide citizens a memorial to honor and recognize both American and South Vietnamese soldiers who worked together during the Vietnam War. Veteran's Park provides a quality of life venue for many citizens.

Legal Considerations: The Law Department has reviewed the Memorial Donation as to form.

Recommendations/Actions: Staff recommends that the memorial donation be approved by the City Council as it was presented on April 15, 2009 to the Design Council. Private funds are being raised to fulfill their commitment to partner with the Park Board to complete this project.

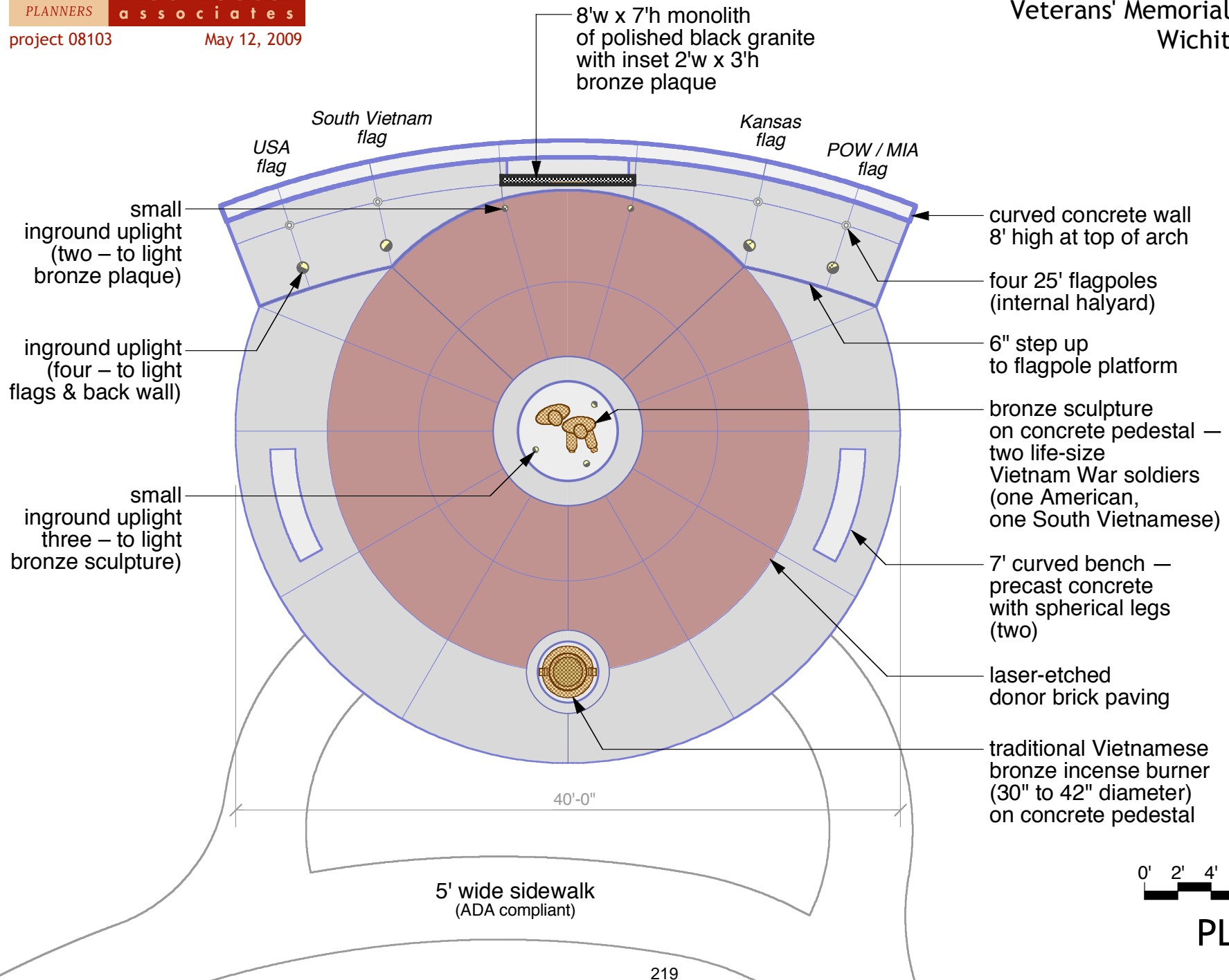
Attachment: Site Plan and Details for the Vietnamese Community Memorial.

South Vietnam War Memorial
Veterans' Memorial Park
Wichita, KS



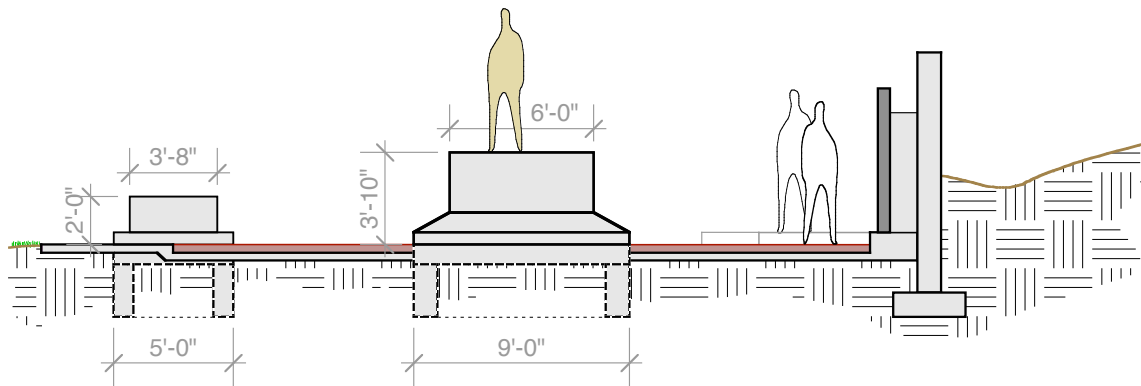
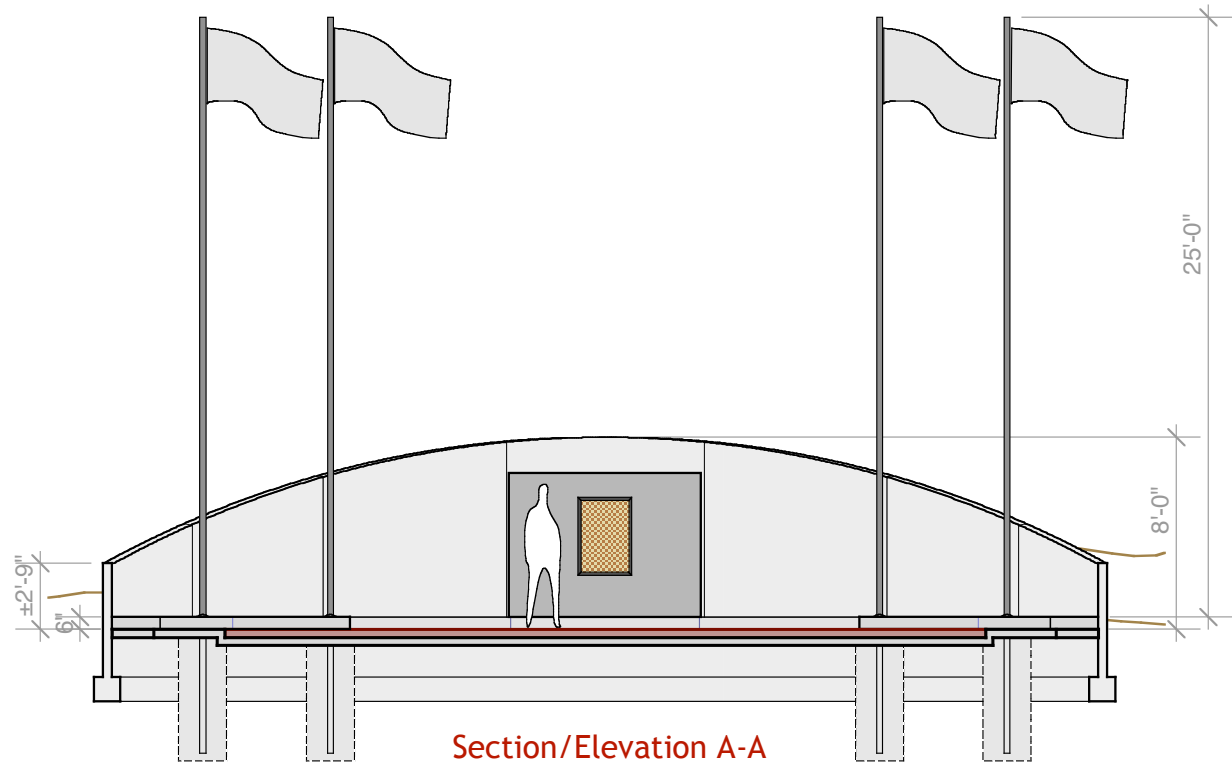
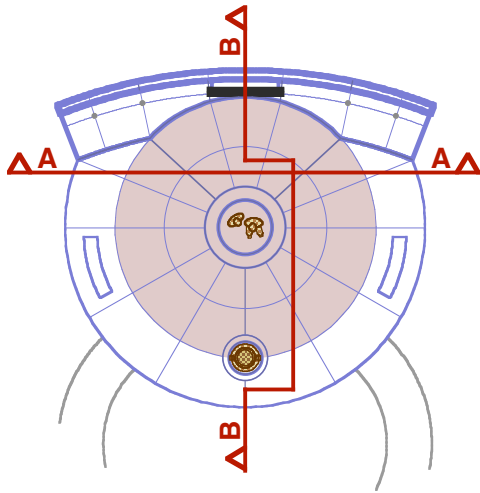
South Vietnam War Memorial

Veterans' Memorial Park
Wichita, KS



South Vietnam War Memorial

Veterans' Memorial Park
Wichita, KS

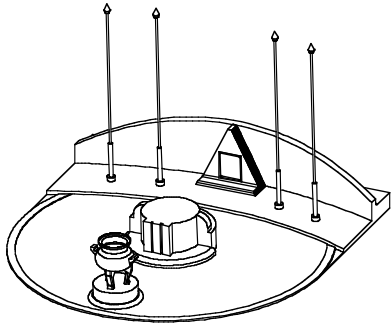


Section/Elevation B-B



SECTIONS

South Vietnam War Memorial Veterans' Memorial Park Wichita, KS



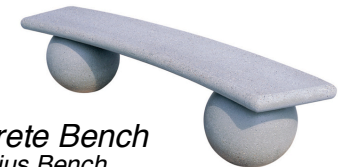
Original Design



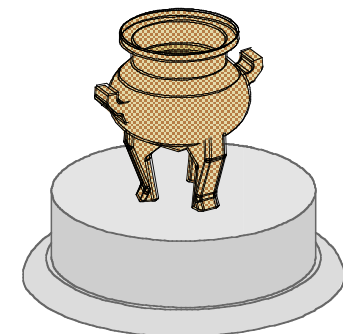
Bronze Sculpture



Landscaping
Maintain existing turf & woods;
add eight Mockorange
'Dwarf Minnesota Snowflake'



Precast Concrete Bench
(TF 5140 Radius Bench
with Sphere Base)



Bronze Incense Burner

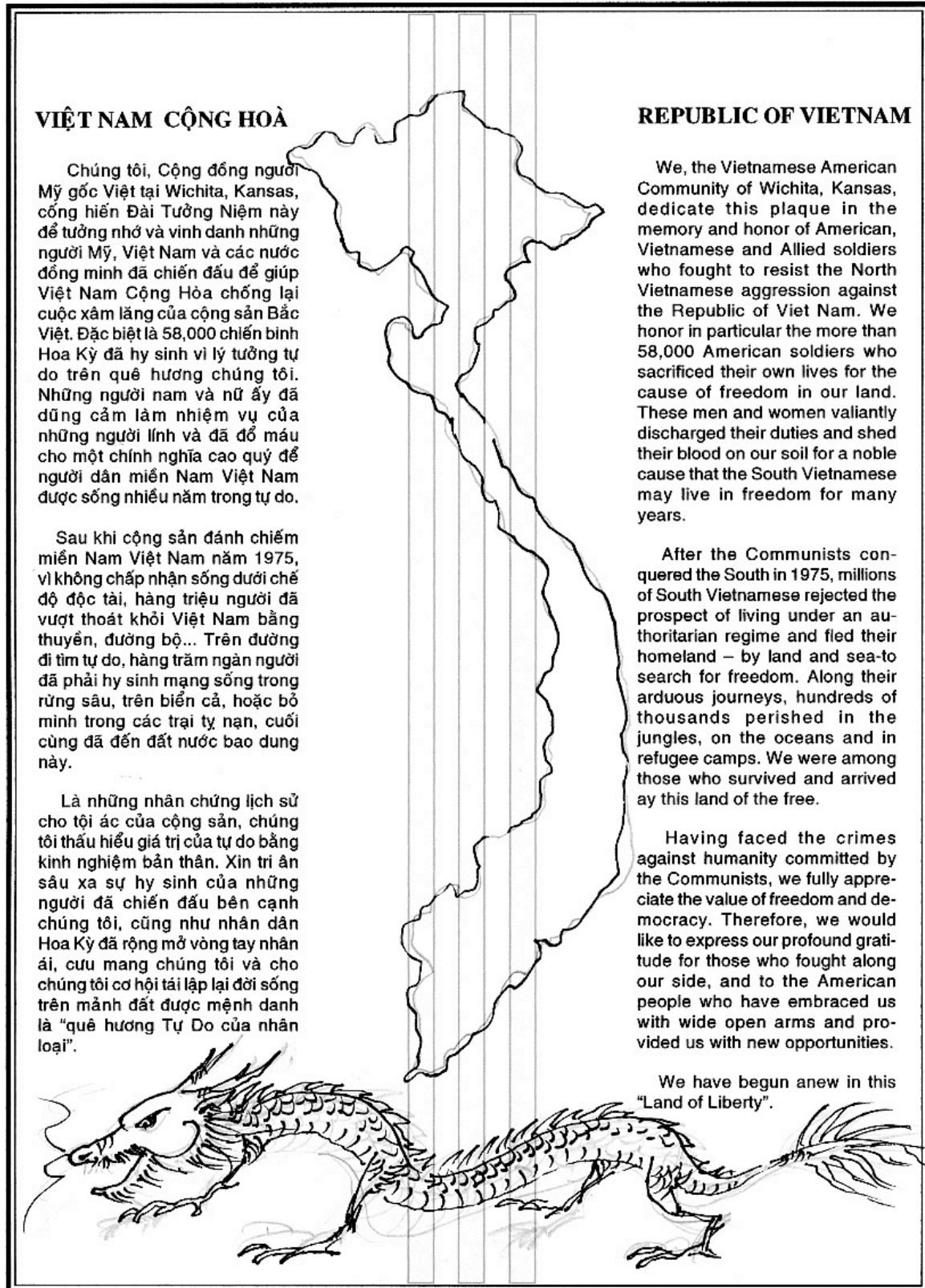


ELEMENTS

South Vietnam War Memorial

Veterans' Memorial Park

Wichita, KS



A Braille translation will also be provided.

BRONZE PLAQUE

KG&E
Westar Energy

KGE
parking

public
parking

South Vietnam War Memorial

Veterans' Memorial Park – Wichita, KS

Rice Foster Associates
Landscape Architects Planners
project 08103

Site Plan
May 12, 2009
0' 10' 20' 30'

new
sidewalk

existing
trees

landed tree
(to be removed
by City)

Utility
Easement

existing
goldenrain
trees

existing
trees

stepped
sidewalk
to USS Wichita
Memorial

limestone
retaining wall

Vietnam War
Memorial

Korean War
Memorial

US Marine Corps
Memorial

US Merchant Marines
Memorial

US Submarine
Veterans of WWII
Memorial

USS Wichita
Memorial

Arkansas
River

Greenway Street

SUPPLEMENTAL AGREEMENT NO. 3

TO THE

AGREEMENT FOR PROFESSIONAL DESIGN SERVICES

BETWEEN

THE CITY OF WICHITA, KANSAS HEREINAFTER CALLED "CITY"

AND

BURNS AND McDONNELL ENGINEERING COMPANY, INC. HEREINAFTER CALLED
"DESIGNER"

FOR

ACCOUNTING MODEL AND REPORT AS PART OF THE ASR PROGRAM –
ASSOCIATED WITH THE INTEGRATED LOCAL WATER SUPPLY PLAN
IMPLEMENTATION

WITNESSETH:

WHEREAS, there now exists an agreement between the two parties covering preliminary design, final design and bidding services for the recharge wells to be provided by the DESIGNER in conjunction with the implementation of the Integrated Local Water Supply Plan.

WHEREAS, Paragraph VI.C. of the above referenced Agreement provides that additional services not covered by the original scope of the agreement and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the DESIGNER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

DESIGNER shall perform professional engineering services for the 2008 ASR Accounting Model Report as described in Exhibit A. The estimated budget for these services is summarized in Exhibit B.

B. PAYMENT PROVISIONS

Payment to the DESIGNER for the performance of the services described by this supplemental agreement shall be in accordance with Section VI of the original Agreement, and shall not exceed Seventy-Eight Thousand One Hundred Twenty-One Dollars (\$78,121.00).

C. PROJECT SCHEDULE

The draft 2008 Accounting System Model report will be delivered to KDWR by June 1, 2009.

D. PROVISIONS OF THE ORIGINAL AGREEMENT

The parties hereunto mutually agree that all provisions and requirements of the existing Agreement, not specifically modified by this Supplemental Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY and the DESIGNER have executed this Supplemental Agreement No. 3 as of this _____ day of _____ in the year 2009.

CITY OF WICHITA

By: _____
Carl Brewer, Mayor

ATTEST:

By: _____
Pat Burnett, City Clerk

APPROVED AS TO FORM

By: _____
Gary Rebenstorf, Director of Law

Burns & McDonnell Engineering Company, Inc.

By: _____

Title: Associate Vice President

EXHIBIT A

SCOPE OF SERVICES 2008 ACCOUNTING MODEL REPORT

2008 ACCOUNTING SYSTEM MODEL

Objective - The accounting system model determines available water at each Equus Beds Well Field (EBWF) index cell due to the City's recharge activities. Based on the results of the modeling and evaluation, an Accounting Report is prepared and delivered to Kansas Department of Water Resources (DWR). Kansas DWR uses this report to approve and allocate recharge credits to the associated EBWF index cells.

SCOPE OF WORK

Task 1 – Update the current accounting model with 2008 data provided by Kansas DWR, Wichita Water Utilities (WWU) pump data, USGS streamflow data, and precipitation data.

Task 2 – Import and calibrate the accounting model to the 2008 index well data.

Task 3 – Run accounting model for two scenarios; one with recharge and one without recharge.

Task 4 – Analyze the model data and calculate the water budgets from the model runs. Translate the water budget data from the model into the index cell spreadsheet. This spreadsheet will provide available water at each index cell for Kansas DWR to determine the recharge credits available in each index cell.

Task 5 – Prepare the 2008 Accounting Report for CITY and Program Management review and comment. Upon receipt of comments, finalize and distribute to Kansas DWR for review and approval.

Task 6 – Prepare and conduct one meeting with Kansas DWR to review model results.

Task 7 – Perform project management tasks including monthly updates and invoice supplements to program manager, CITY, and quality control for the model and report.

CITY Inputs:

1. Well field data
2. Report comments

Activities:

1. Modeling
2. Report generation
3. Meeting and meeting minutes

4. Project management

Deliverables:

1. Report including text, tables, figures, and appendices
2. Meeting minutes

EXHIBIT B - FEE ESTIMATE

2008 ACCOUNTING MODEL REPORT

Task No.	Activity Description	Total Labor-Hours										Hours Subtotal	B&McD Labor Cost	Total Costs	
		17	16	15	14	13	12	11	10	9	8	7		Distributed Expense Cost	Total Task Cost
1	Update Accounting Model with 2008 Data														
a	Import 2008 DWR pumping data	-	-	-	8	16	-	-	-	-	-	-	\$ 3,944	\$ 234	\$ 4,178
b	Import 2008 City of Wichita pumping & recharge data	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 156	\$ 2,820
c	Import 2008 USGS streamflow data	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 156	\$ 2,820
d	Import 2008 precipitation data	-	-	-	4	4	-	-	-	-	-	-	\$ 1,332	\$ 78	\$ 1,410
2	Calibrate 2008 Accounting Model														
a	Import 2008 Index Well data for calibration	-	-	-	4	4	-	-	-	-	-	-	\$ 1,332	\$ 78	\$ 1,410
b	Complete calibration to 2008 data	-	-	-	12	24	-	-	-	-	-	-	\$ 5,916	\$ 1,451	\$ 7,367
3	Run 2008 Accounting Model														
a	Run model with recharge	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 1,256	\$ 3,920
b	Run model without recharge	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 1,256	\$ 3,920
4	Analyze model data														
a	Calculate water budget from model runs	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 1,256	\$ 3,920
b	Translate water budget data to Index Cell spreadsheet	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 1,256	\$ 3,920
5	Prepare 2008 Accounting Report for City review														
a	Generate figures	-	-	-	12	16	16	-	-	4	-	-	\$ 7,484	\$ 468	\$ 7,952
b	Generate text	-	-	-	12	24	-	-	-	4	-	-	\$ 6,364	\$ 390	\$ 6,754
c	Collate supporting appendix data	-	-	-	12	12	-	-	-	4	-	-	\$ 4,444	\$ 273	\$ 4,717
d	Publish and submit Final 2008 Accounting Report	-	-	-	8	8	-	-	-	-	-	-	\$ 2,664	\$ 2,731	\$ 5,395
6	Meetings to review model updates and results														
a	Meet with DWR	-	-	16	8	8	-	-	-	-	-	-	\$ 5,576	\$ 1,297	\$ 6,873
7	Project Management and QA/QC	-	16	32	-	-	-	-	-	12	-	-	\$ 10,160	\$ 585	\$ 10,745
	Total - Maximum Not-To-Exceed	0	16	48	128	164	16	0	0	24	0	0	\$ 65,200	\$ 12,921	\$ 78,121

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: Approval of Option Purchase for Digital Security Camera System Upgrade for Buses and Vans. (All Districts)

INITIATED BY: Wichita Transit

AGENDA: Consent

Recommendation: Approve option purchase from Verint Video Solutions contract dated August 26, 2008.

Background: Wichita Transit contracted with Verint Video Solutions in August, 2008, to retrofit sixty Wichita Transit buses and vans with digital security cameras. The original contract called for an option to retrofit up to twenty additional vehicles that would allow Transit to finish all active vehicles in the fleet with Verint equipment. Wichita Transit has secured a bid to complete this retrofit by equipping the final sixteen vehicles in the fleet with Verint equipment.

During this time period, Verint has discontinued subcontracting directly for installation services. Wichita Transit will contract with two vendors to complete this project: Verint for the equipment and Kodiak Mobile Installers (the low bidder for this installation project) for installation.

Analysis: This equipment is critical in providing a safe, secure operating environment for the riding public, transit employees, and the City of Wichita. The new system has worked well and improved operations and supervisor efficiencies to include a dramatic reduction in complaints from riding public. It is presently inefficient to operate two separate systems and software to provide video and audio security camera equipment in our vehicles. Also, it is advantageous to complete this project now with price reductions available at this time as detailed below.

Financial Considerations: The cost to retrofit the sixteen vehicles will be \$83,517.86 or \$5,219.87 per vehicle. The original contract cost per vehicle was \$5,802.37, resulting is a \$582.50 savings per vehicle on this purchase. The funding for this purchase has been approved and included in the 2008 FTA Section 5307 operating grant (federal share is 80% and Kansas Department of Transportation (KDOT) funding will provide the 20% match).

Goal Impact: The upgrade in this equipment conforms with several City Council goals and indicators that include: 1) Providing a safer and more secure community by allowing public transit riders the knowledge that concerns or problems that arise on transit vehicles can be reviewed and monitored by transit operation supervisors and law enforcement to allow for responsiveness to any situation that may occur in using this public service and 2) Ensuring an efficient infrastructure by acquiring the most current and state-of-the-art technology for monitoring revenue vehicle operations and that supports maintaining a safe and dependable transportation system.

Legal Considerations: The City's Law Department has reviewed and approved the purchase as to form.

Recommendations/Actions: It is recommended that the City Council approve this purchase to complete this project.

Attachments: None.

City of Wichita
City Council Meeting
May 12, 2009

TO: Mayor and City Council

SUBJECT: Aquifer Storage and Recovery 2008 Accounting Model
Supplemental Agreement

INITIATED BY: Water Utilities

AGENDA: Consent

Recommendations: Approve Supplemental Agreement No. 3 for Professional Services with Burns & McDonnell Engineering Company, Inc.

Background: On August 8, 2005, the Division of Water Resources approved the water appropriations for the Equus Beds Aquifer Storage and Recovery Project. The appropriations consisted of a number of conditions which included an annual report on the project.

Analysis: The Equus Beds Aquifer Storage and Recovery (ASR) project is the first of its kind in Kansas. One of the conditions placed on the project by the Chief Engineer of the Division of Water Resources was the use of a hydrologic computer model to determine the amount of recharge credits available for appropriation. The hydrologic computer model was developed by Burns & McDonnell Engineering to show all water uses in the project area, and account for all of the components necessary for the Division of Water Resources (DWR) to allocate appropriations for the ASR project. The DWR requires the model to be run and a report submitted to them by June 1st of each calendar year. This is the third year that the model has been run and the report submitted. Burns & McDonnell is the only resource available to perform this task.

Financial Considerations: The cost to run the model and prepare the report will not exceed \$78,121. Funding for this is included in CIP W-549, Water Supply Plan.

Goal Impact: This project will ensure efficient infrastructure by providing reliable, compliant and secure utilities and will help assure that adequate water supplies are available for future customers.

Legal Considerations: The Law Department has reviewed and approved the Supplemental Agreement for Professional Services as to form.

Recommendation/Actions: It is recommended that the City Council: 1) approve the Supplemental Agreement for Professional Services with Burns & McDonnell; and 2) authorize the necessary signatures.

Attachments: Supplemental Agreement No. 3 with Burns & McDonnell Engineering.

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Aquifer Storage and Recovery Phase II – Overhead Power Lines Professional Services - Supplemental Agreement

INITIATED BY: Water Utilities

AGENDA: Consent

Recommendation: Approve Supplemental Agreement No. 1 with CH2M Hill to complete the final design and bidding services of the Overhead Power Lines Project for Aquifer Storage and Recovery Phase II.

Background: On July 10, 2007, the City Council approved and instructed Staff to proceed with the projects necessary for Phase II of the Equus Beds Aquifer Storage and Recovery (ASR) Project. On July 1, 2008, City Council approved the Professional Services Agreement with CH2M Hill for 30-percent design services for power highlines for this project.

Analysis: The Purchasing Manager issued Requests for Proposals for engineering services for five projects associated with Phase II of the ASR Project including design of overhead power lines. The RFP specified that the initial engineering services contract would be for a 30-percent design. Responses were received from two firms, CH2M Hill and Camp Dresser & McKee (CDM). Staff reviewed the information in the proposals and presentations and selected CH2M Hill. The 30-percent design has been completed and the City determined the project will proceed as a conventional design-bid-build project. Supplemental Agreement No. 1 will allow CH2M Hill to complete the design of the Overhead Power Lines Project and provide bidding services.

Financial Considerations: The 30-percent design contract was for \$240,785. The estimated cost for Supplemental Agreement No. 1 final design and bidding services is \$1,689,928. Funding for this is available in CIP W-549-12, Water Supply Project Overhead Power Lines, which has adequate funding available for these services.

Goal Impact: The project will help ensure efficient infrastructure by providing for the development of future water supplies.

Legal Considerations: The Supplemental Agreement has been approved as to form by the Law Department.

Recommendations/Actions: It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures

Attachments: Supplemental Agreement No. 1 with CH2M Hill

SUPPLEMENTAL AGREEMENT NO. 1

TO THE

AGREEMENT FOR PROFESSIONAL DESIGN SERVICES

BETWEEN

THE CITY OF WICHITA, KANSAS HEREINAFTER CALLED "CITY"

AND

CH2M HILL, INC. HEREINAFTER CALLED "DESIGNER"

FOR

FINAL DESIGN AND BIDDING SERVICES FOR OVERHEAD POWER LINES PROJECT –
ASSOCIATED WITH THE INTEGRATED LOCAL WATER SUPPLY PLAN
IMPLEMENTATION

WITNESSETH:

WHEREAS, there now exists an agreement between the two parties covering preliminary design services for the Overhead Power Lines Project to be provided by the DESIGNER in conjunction with the implementation of the Integrated Local Water Supply Plan.

WHEREAS, Paragraph VI.C. of the above referenced Agreement provides that additional services not covered by the original scope of the agreement and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the DESIGNER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

DESIGNER shall perform Final Design and Bidding Services as described in Exhibit A, Scope of Services. The estimated budget for these services is summarized in Exhibit B.

B. PAYMENT PROVISIONS

Payment to the DESIGNER for the performance of the services described by this supplemental agreement shall be in accordance with Section VI of the original Agreement, and shall not exceed the amount designated in this Supplemental Agreement.

C. PROJECT SCHEDULE

The project schedule for these services is summarized in Exhibit C.

D. PROVISIONS OF THE ORIGINAL AGREEMENT

The parties hereunto mutually agree that all provisions and requirements of the existing Agreement, not specifically modified by this Supplemental Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY and the DESIGNER have executed this Supplemental Agreement No. 1 as of this _____ day of _____ in the year 2009.

CITY OF WICHITA

By: _____
Carl Brewer, Mayor

ATTEST:

By: _____
Karen Sublett, City Clerk

APPROVED AS TO FORM

By: _____
Gary Rebenstorf, Director of Law

CH2 Mhill, Inc.

By: _____
Title: Designated Manager

**Exhibit A – Scope of Services
for
Supplemental Agreement No. 1
to the
Agreement for Professional Design Services
Design Services Agreement
City of Wichita ASR Program – Phase II Projects
Dated July 1, 2008
For
Final Design and Bidding Services of Overhead Power Lines Project**

Exhibit A

SCOPE OF WORK FOR FINAL DESIGN PHASE SERVICES

The Agreement for Professional Design Services, Preliminary Design of Overhead Power Lines, and dated July 1, 2008 is amended to include the professional services required to prepare final design Contract Documents and to provide technical support during the Bid Phases for the Overhead Power Lines Project.

The objective of this project is to prepare Contract Documents for the Electrical Substation, for the Overhead Power Distribution Lines for Phase II and III, for the Aquifer Storage and Recovery (ASR) Program. The CH2M HILL Project Team (CH2M HILL) will coordinate with ASR Phase II Project Design Consultants such that the design for the ASR Phase II Program is consistent, compatible, and operational with the overall design provided by the City of Wichita (CITY) and Program Manager for ASR Program Phase II Projects.

The work under this project includes preliminary and final design of the substation, preparation of procurement specifications for pre-purchase of equipment by the CITY, final design of the Phase II overhead power distribution lines, preliminary and final design of the Phase III overhead power distribution lines, and bid phase support services for the substation and overhead power distribution lines projects for the City of Wichita as part of the ASR Phase II Program.

GENERAL ASSUMPTIONS

This scope is based on the following assumptions:

1. CITY and Program Management staff will be available as needed to address topics relevant to their areas of expertise or responsibility.
2. Access will be provided to sites for CH2M HILL investigations for the days when these visits are scheduled.
3. Where references are made to communicating with, receiving documents from, or providing deliverables or other documents to other ASR Phase II Project Teams, it is understood these communications will be through the ASR Program Manager.
4. The project will produce three sets of stand alone bid document packages as part of this scope: one set for the substation, one set for the construction of the Phase II Overhead Power Lines, and one set for the construction of the Phase III Overhead Power Lines.
5. This scope of work covers the design of medium voltage distribution lines (12,470 Volt) only. No designs of high voltage transmission lines (69,000 Volt or 138,000 Volt or higher) outside of the substation of any kind are included in this scope of work. The design of the 138,000 Volt systems inside of the substation is included in this scope of work.
6. Delivery of these projects has been identified as Design-Bid-Build. None of the documents prepared under this Agreement will be suitable for use for design-build or other alternate delivery projects.
7. Applying for easements and land acquisitions are not included in this scope of work except as identified.
8. All survey work necessary for the design of the Overhead Power Lines will be provided by the ASR Program in a timely manner.

9. It may be necessary to obtain permits for installation of poles in flood plain areas. CH2M HILL will assist in identifying the portions of the distribution system that are in flood plain areas. The effort will be limited by the budgeted amount for this task. Additional assistance will be negotiated on a case-by-case basis.
10. CH2M HILL will identify easements needed and provide non-legal descriptions and track maps to Program Management.
11. Procurement specifications for three long-lead-time equipment items will be developed.
12. The final design of the Phase II and III Overhead Distribution Power Lines is generally based on the Final Preliminary Design Report and Implementation Plan of the Overhead Power Line Project.
13. Interim deliverables will be provided in PDF electronic format and uploaded to the ASR Central Sharepoint site. Drawings and graphics will be provided in either 8.5-inch x 11-inch or 11-inch by 17-inch formats as most appropriate for the content.
14. CITY will review and provide comments within 15 calendar days of receipt of deliverable documents.
15. Design documents, studies, and other such documentation that may be available and useful for sites under study or in design or construction that will be incorporated in the project will be provided to CH2M HILL by the CITY, and will be in electronic format when available in such format; i.e., native or archive file format.
16. With the exception of the 90% design review submittal, the project team will continue to work during progress submittals and reviews.
17. Final Deliverables will be provided in one draft and one final version. Draft version will be provided in Adobe Acrobat PDF format. The final version will be 5 hard copies and 1 Adobe Acrobat PDF format electronic copy per version. Final version drawings and graphics will be provided as:
 - One unbound set of half-size (11" x 17") copy ready drawings
 - Up to twenty five 11" x 17" bound copies of original plots
 - Two sets of electronic design files contained on one or more compact discs as required. Each file will be in AutoCAD format and correspond exactly to the plot provided in hard copy. Sheet files and reference files will be properly named. Reference files will be attached to their respective sheet file.
 - One full size 22" x 34" plot of drawings on 40# opaque bond paper. Full size plots will only be provided for final versions of Contract Documents and Conformed Construction Documents.
18. Specifications will be prepared following ASR Program Guidelines (Chapter 8 with Addendums No. 1 and 2) except that CH2M HILL's electronic 49 Division master specifications and formats will be used for specifications development.
19. The City will provide contract forms and requirements, which CH2M HILL will edit to conform to project requirements using track change mode of Microsoft Word.
20. Microstation software will be used to develop drawings following CH2M HILL standards. At the conclusion of the project, the electronic drawing files will be provided in AutoCAD format for the CITY's records.
21. Drawing counts and specification sections to be developed in the final design phase are based on the findings in the Preliminary Design Phase Report. Drawing list and specification section list assumed in development of the scope of work and associated fee estimate are included in the appendices.
22. 30% cost opinion will be a Class 3 Opinion of Probable Construction Cost as described by the American Association of Cost Engineers (AACE) classifications.

23. 60% cost opinions will be Class 2 Opinion of Probable Construction Cost as described by the AACE classifications.
24. 90% and 100% cost opinions will be Class 1 Opinion of Probable Construction Cost as described by the AACE classifications.

TASK 1 – PROJECT MANAGEMENT

Objective: The primary objectives of this task are to:

1. Establish and maintain effective communication with Wichita ASR Program Management personnel, CITY personnel, designers of other projects in Phase II, regulatory and governmental agencies, Westar Energy and the Sedgwick County Rural Electrical Cooperative.
2. Organize, manage, and coordinate the design services required for this project.
3. Promote good project team communications and provide all persons connected with project with information about project activities.
4. Monitor design activities to confirm that project scope, budget and schedule are met.

CH2M HILL Approaches and Activities:

CH2M HILL will obtain and administer subcontract services from UtilityHelpNet, Terracon, and Triaxis Engineering to provide technical services as required to produce the construction documents. CH2M HILL will also provide general project management and contract agreement administration services, and prepare monthly invoices and progress reports. Progress reports will include a description of work accomplished, upcoming work, and schedule status.

CH2M HILL will prepare draft and final meeting notes for all meetings/conference calls with CITY staff.

Meeting notes will be uploaded to ASR Central site within 10 working days of the conclusion of the meeting.

Assumptions:

1. Monthly meetings will be attended by up to 2 CH2M HILL persons in Wichita.
2. The Preliminary Design Project Management Plan, including Project Instructions, Field Safety Instructions, and Quality Management Plan, will be updated for this task.

Deliverables: Deliverables will include meeting agenda and minutes, invoices, project status reports and an updated project management plan.

TASK 2 – SUBSTATION DESIGN AND BID SERVICES

Objective: The purpose of this task is to perform design and bid phase subtasks necessary to develop bid documents for the substation package.

Approaches and Activities: CH2M HILL will prepare contract documents and provide technical bid support services for the substation package.

Assumptions:

1. Location of substation will be finalized within the first two week of the preliminary design.
2. Procurement specifications for substation equipment is as defined in Task 5.

3. The control building, if required, will be a single-story, pre-fabricated building no larger than 10 feet by 15 feet.

Task 2.1 Substation Package Preliminary Design

Objective: The objective of this subtask is to develop a drawing package that is equivalent to a 30% complete design and will depict the conceptual substation arrangement and features in sufficient detail to obtain an opinion of the probable cost of construction. This level of design will be used to prepare procurement specifications for the substation main power transformers, a 138kV over-current protective device for each transformer, and the 12.47kV reclosers, and to be used as the basis for preparation of the final design of the substation.

CH2M HILL Approaches and Activities:

1. Work closely with the CITY to develop the detailed basic requirements necessary to obtain the electrical functions needed. Make preliminary selection of type of equipment and material to be used.
2. Perform system analysis using load, voltage, and VAR (volt-amp-reactive) flow studies to coordinate with Westar Energy to determine the requirements to connect to their high voltage transmission lines. Attend 2 meetings in addition to the 4 already held in Wichita, and project electrical model of system on viewing screen to allow all attendees to participate in real-time analysis of location of sectionalizing devices, over-current protective devices, and the substation and capacitor banks.
3. Analyze general location of substation site. Based upon the actual dimensions of the location purchased by the CITY, develop requirements for the general arrangement of the substation equipment.
4. Develop a preliminary substation one-line diagram. Include the primary circuit over-current protective device, the transformers, disconnect switches, secondary distribution bus, and secondary circuit protection. Develop the design sufficiently so as to establish criteria required for the CITY to order the main transformer and other long-lead substation equipment. Coordinate protective relaying and metering requirements with the Process Control/SCADA Project.
5. Obtain the services of a subcontractor to perform geotechnical services for use during the design of the site preparation and the design of the equipment foundations.
6. The design team has met with Westar and the CITY in Wichita 4 times to develop and to coordinate requirements for the physical and electrical connection of the 138kV transmission lines to the substation.
7. Multidiscipline internal quality assurance/quality control (QA/QC) continuous review, with the senior review team, will be conducted throughout the design. Formal internal QA/QC reviews will be performed prior to submitting the deliverable to the City.
8. Develop an opinion of probable construction cost estimate based on the 30-percent review submittal sets.
9. Attend a workshop with CITY's staff to present and discuss the major concepts and findings in the preliminary design. The CITY'S consolidated review comments, outstanding issues, and document major action items and decisions will be presented in a memorandum that will be distributed to the design team.

Assumptions:

1. Substation design is limited to substation with 138kV primary and 12.47kV secondary, over-current protective devices, two transformers, and provisions for four active circuits, and space for four spare circuits.
2. The CITY will provide, at task initiation, details of construction of the City of Wichita's existing substations to review to achieve a level of standardization.
3. Substation location will be finalized by CITY within the first two weeks of this subtask.
4. A one-day, eight hour meeting (in addition to those indicated in scope item number 6 above) will be required for this subtask to conduct meetings with Westar Energy and the CITY. The meetings will be conducted in Wichita and will be attend by 1 CH2M HILL project person.
5. It is anticipated that one eight-hour workshop with CITY Staff will be required for this subtask once the voltage and location of the substation have been determined. The workshop will be conducted in Wichita and will be attended by one CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: The deliverable for this subtask is a Preliminary Design Package that includes preliminary drawings showing the substation site, alignment of Westar 138kV connection, exiting secondary circuits, and design narrative and opinion of probable cost of construction. The design narrative will include a non-technical discussion of the need for the substation and what conditions led to the design as presented and a brief non-technical explanation of what each system or component is and what it does. One draft and one final version of the deliverable will be provided to the CITY electronically in PDF format as an upload to the ASR Central Sharepoint site.

Task 2.2 Substation 60 Percent Design Review Package

Objective: The objective of this subtask is to develop a package of construction documents that is approximately 60 percent complete.

CH2M HILL Approaches and Activities:

1. Prepare a package of 60 percent complete construction documents that will include draft versions of the legal specifications, and the first draft of major technical specifications and drawings.
2. Update 30% Complete Opinion of Probable Construction Cost based on the 60-percent review submittal set.
3. Conduct multidiscipline internal quality assurance/quality control (QA/QC) continuous review, with the senior review team, throughout the design. Formal internal QA/QC reviews will be performed prior to submitting the deliverable to the City.
4. Attend a workshop with CITY and Program Management staffs to present and discuss the major concepts and findings in the 60 percent design review submittals. The CITY'S consolidated review comments, outstanding issues, and document major action items and decisions will be summarized in a memorandum that will be distributed to the design team.

Assumptions:

1. Since the construction documents are inter-dependent, some documents will be more than 60% complete, and others will be less than 60%. This does not mean that every single document will be 60% complete. This package, with the CITY's comments incorporated will be the basis for the 90 percent complete package of construction documents.
2. Approximately 40 drawings and 29 technical specification sections will be prepared for the substation, which includes civil, structural, and electrical disciplines.

3. It is anticipated that one eight-hour workshop will be required for this subtask. The workshop will be conducted in Wichita and will be attended by 1 CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: This subtask will utilize electronic delivery, which is a single electronic file of the 60 percent complete drawings, specifications and cost estimate in PDF format uploaded to the Wichita ASR SharePoint site. A memorandum documenting the CITY's decisions and directions during the 60% review workshop will be provided in PDF format and uploaded to the ASR SharePoint site.

Task 2.3 Substation 90 Percent Design Review Package

Objective: The objective of this subtask is to develop a package of construction documents that is approximately 90 percent complete.

CH2M HILL Approaches and Activities:

1. Prepare a package of 90 percent complete construction documents that will include bidding requirements, contract and technical specifications, and drawings.
2. Update 60% Complete Opinion of Probable Construction Cost based on the 90-percent review submittal set.
3. Conduct multidiscipline internal quality assurance/quality control (QA/QC) continuous reviews, with the senior review team, throughout the design. Formal internal QA/QC reviews will be performed before the deliverable is submitted to the City.
4. Attend a workshop with CITY and Program Management staffs to present and discuss the major concepts and findings in the 90 percent design review submittals. The CITY'S consolidated review comments, outstanding issues, and major action items and decisions will be summarized in a memorandum that will be distributed to the design team.

Assumptions:

1. Since the construction documents are inter-dependent, some documents will be more than 90% complete, and others will be less than 90%. This does not mean that every single document will be 90% complete.
2. Approximately 47 drawings and 70 specification sections will be prepared for the substation, which includes civil, structural, electrical, protective relaying and SCADA disciplines.
3. It is anticipated that a maximum of one eight-hour workshop will be required for this subtask. The workshop will be conducted in Wichita and will be attended by 1 CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: This subtask will utilize electronic delivery, which is a single electronic file of the 90 percent complete drawings, specifications and cost estimate in PDF format up-loaded to the Wichita ASR Sharepoint site. A memorandum documenting the CITY's decisions and directions during the 90% review workshop will be provided in PDF format and uploaded to the ASR SharePoint site.

Task 2.4 Substation Issue for Bid Package Contract Documents (100 Percent Design)

Objective: CH2M HILL will complete the drawings and specifications and develop a set of ready-to-bid construction documents.

CH2M HILL Approaches and Activities:

1. Prepare Final Division 00 Contracting Requirements and Division 01 General Requirement:

AGREEMENT FOR PROFESSIONAL DESIGN SERVICES

EXHIBIT A SCOPE OF SERVICES

7

APRIL 2009
CH2MHILL

- 1.1. Incorporate CITY's Contracting Requirements, General Conditions, Supplementary Conditions, Bid Forms and Bond Forms to be included with the bid documents and tailor Division 00 for this Project.
- 1.2. Incorporate CITY's comments on Division 01 General Requirements specification sections.
2. Complete the drawings and technical specifications and incorporate the review comments on the 90 percent complete construction Contract Documents based on appropriate consolidated review comments received from the CITY and internal quality control reviews.
3. Update the 90% Complete Opinion of Probable Construction Cost based on the 100-percent complete draft Contract Documents set.

Assumptions:

1. CITY will provide appropriate Agreement, General Conditions, Supplementary Conditions, and Bond Forms.
2. CITY will provide Bid Documents, including Instructions to Bidders, Bid Forms, and Bid Bond requirements.

Deliverables: Deliverables include draft and final versions of the Contract Documents. The draft copy of the bid package in PDF format will be uploaded to the ASR Central SharePoint site. The final version of the Contract Documents will be delivered in electronic and hard copies as stated in the General Assumptions section above.

2.5 Bid Phase Support

The CITY will issue the Contract Documents for bid for the construction of the substation.

Pre-Bid Conference

CH2M HILL will arrange and conduct one pre-bid conference to be conducted in Wichita, Kansas.

CH2M HILL Approach and Activities:

1. Develop the agenda and content of the pre-bid conference.
2. Conduct pre-bid conference and present the three dimensional model generated during the design to facilitate the understanding of the project with potential bidders.
3. Record minutes or make other provisions for documenting the results of the pre-bid conference.

Assumptions: The pre-bid conference will be attended by up to two members from the CH2M HILL project team.

Deliverables: Pre-bid conference agenda and pre-bid conference minutes, provided in electronic PDF format uploaded to the ASR Central Sharepoint site.

Respond to Bidder Questions and Prepare and Issue Addenda

CH2M HILL will answer questions and respond to requests for additional information and develop contract documents addenda, if required.

CH2M HILL Approach and Activities:

1. Record questions and requests for information, and work with CITY procurement staff to provide answers and additional information as required to all qualified bidders.
2. Prepare technical addenda as required to clarify the intent of the contract documents, and up to two bid addenda as required to address bidder's questions.

Assumptions: The responses to comments and questions from the pre-bid conference and all addenda will be distributed to conference attendees by the CITY.

Deliverable: Record of questions, interpretations, responses, and contract documents addenda in PDF format uploaded to the ASR Central SharePoint site.

Evaluate Bids

CH2M HILL will assist the CITY in the evaluation of submitted bids.

CH2M HILL Approach and Activities:

1. Review and evaluate bids for responsiveness, completeness, and bid amount. CH2M HILL will evaluate and make a recommendation for award of the contract.
2. If required, assist the CITY in the preparation of the Notice of Intent to Award; the Notice of Award; delivery and execution of contract; and preparation of the Notice to Proceed.
3. If required, provide reasonable technical assistance with negotiations with apparent successful bidder prior to contract execution.

Assumptions:

1. CITY will provide copies of all submitted bid forms to CH2M HILL.
2. CITY will sign the documents as required.
3. CITY will make the final decision on the award or rejection of bids.
4. In situations where the bid award is protested, CH2M HILL is available to provide technical support only. No budget allowance has been made for this service.

Deliverable: Bid evaluation letter to CITY in PDF format uploaded to the ASR Central SharePoint site.

TASK 3 – OVERHEAD POWER LINES PHASE II FINAL DESIGN AND BID SERVICES

Objective: This task includes the design and bid phase subtasks necessary to develop contract documents for the overhead power lines Phase II package.

Approaches and Activities: CH2M HILL will prepare contract documents and provide bid support services for the Phase II overhead power lines package.

Assumptions:

1. The final design of the Phase II Overhead Distribution Power Lines is based on Final Preliminary Design Report and Implementation Plan of the Overhead Power Line Project with alterations as necessary to accommodate the final location of the substation.
2. A two-day workshop between CH2M HILL and the CITY will be held in Wichita to finalize details of the project prior to start of final design. It will be attended by up to 1 CH2M HILL project person.

Task 3.1 Phase II Overhead Power Lines 60 Percent Design Review Package

Objective: The objective of this subtask is to develop a package of construction documents that is approximately 60 percent complete.

CH2M HILL Approaches and Activities:

1. Prior to start of design, conduct 2-day workshop between CH2M HILL and the CITY will be held in Wichita to finalize details of the project.
2. Prepare a package of 60 percent complete construction documents that will include a draft version of contract specifications, first draft of technical specifications, and drawings.
3. Update the 30 percent complete opinion of probable construction cost estimate based on the 60-percent complete review submittal sets.
4. Conduct multidiscipline internal quality assurance/quality control (QA/QC) continuous review, with the senior review team throughout the design. Formal internal QA/QC reviews will be performed prior to submitting the deliverable to the City.
5. Attend a workshop with CITY and Program Management staffs to present and discuss the major concepts and findings in the 60 percent design review submittals. The CITY'S consolidated review comments, outstanding issues, and major action items and decisions will be summarized in a memorandum that will be distributed to the design team.

Assumptions:

1. Since the construction documents are inter-dependent, some documents will be more than 60% complete, and others will be less than 60%. This does not mean that every single document will be 60% complete. This package, with the CITY's comments incorporated will be the basis for the 90 percent complete package of construction documents.
2. Approximately 50 construction drawings and 6 technical specification sections will be prepared for the overhead power lines, which include civil, structural and electrical disciplines.
3. It is anticipated that a maximum of one eight-hour workshop will be required for this subtask. The workshop will be conducted Wichita and will be attended by 1 CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: The deliverable for this subtask is electronic and consists of a single electronic file containing the 60 percent complete drawings, specifications and cost estimate in PDF format uploaded to the Wichita ASR SharePoint site. A memorandum documenting the CITY's decisions and directions during the review workshop will be provided in PDF format and uploaded to the ASR SharePoint site.

Task 3.2 Phase II Overhead Power Lines 90 Percent Design Review Package

Objective: The objective of this subtask is to develop a package of construction documents that is approximately 90 percent complete.

CH2M HILL Approaches and Activities:

1. Prepare a package of 90 percent complete construction documents that will include bidding requirements, contract and technical specifications, and drawings.
2. Update the 60-percent complete opinion of probable construction cost estimate based on the 90-percent review submittal set.

3. Conduct multidiscipline internal quality assurance/quality control (QA/QC) continuous review, with the senior review team, throughout the design. Formal internal QA/QC reviews will be performed before the deliverable is submitted to the City.
4. Attend a workshop with CITY's staff to present and discuss the major concepts and findings in the 90 percent design review submittals. The CITY'S consolidated review comments, outstanding issues, and major action items and decisions will be summarized in a memorandum that will be distributed to the design team.

Assumptions:

1. Since the construction documents are inter-dependent, some documents will be more than 90% complete, and others will be less than 90%. This does not mean that every single document will be 90% complete. This package, with the CITY's comments incorporated will be the basis for the Issued for Bid construction documents.
2. Approximately 50 construction drawings, 35 specification sections will be prepared for the overhead power lines, which include civil, structural, and electrical disciplines.
3. It is anticipated that a maximum of one eight-hour workshop will be required for this subtask. The workshop will be conducted in Wichita and will be attended by 1 CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: The deliverable for this task is electronic and consists of a single electronic file containing the 90 percent complete drawings, specifications and cost estimate in PDF format up-loaded to the Wichita ASR Sharepoint site. A memorandum documenting the CITY's decisions and directions during the review workshop will be provided in PDF format and uploaded to the ASR SharePoint site.

Task 3.3 Phase II Overhead Power Lines Issue for Bid Package Contract Documents (100 Percent Design)

Objective: CH2M HILL will complete the drawings and specifications and develop a set of ready-to-bid construction documents.

CH2M HILL Approaches and Activities:

1. Prepare Final Division 00 Contracting Requirements and Division 01 General Requirement:
 - 1.1. Incorporate CITY's Contracting Requirements, General Conditions, Supplementary Conditions, Bid Forms and Bond Forms to be included with the bid documents and tailor Division 00 for this Project.
 - 1.2. Incorporate CITY's comments on Division 01 General Requirements specification sections.
2. Complete the drawings and technical specifications and incorporate the review comments on the 90 percent complete construction Contract Documents based on appropriate consolidated review comments received from the CITY and internal quality control reviews.
3. Update the 90% Complete Opinion of Probable Construction Cost based on the 100-percent complete draft Contract Documents set.

Assumptions:

1. CITY will provide appropriate Agreement, General Conditions, Supplementary Conditions, and Bond Forms.

2. CITY will provide Bid Documents, including Instructions to Bidders, Bid Forms, and Bid Bond requirements.

Deliverables: Deliverables include draft and final versions of the contract documents. The draft copy of the bid package in PDF format will be uploaded to the ASR Central SharePoint site. The final version of the Contract Documents will be delivered in electronic and hard copies as stated in the General Assumptions section above.

Task 3.4 Bid Phase Support

The CITY will issue the contract documents for bid for construction of the overhead power lines.

Pre-Bid Conference

CH2M HILL will arrange and conduct one pre-bid conference to be conducted in Wichita, Kansas.

CH2M HILL Approach and Activities:

1. Develop the agenda and content of the pre-bid conference.
2. Conduct the pre-bid conference
3. Record minutes or make other provisions for documenting the results of the pre-bid conference.

Assumptions: The pre-bid conference will be attended by up to two members from the CH2M HILL project team.

Deliverables: Pre-bid conference agenda and pre-bid conference minutes, provided in electronic PDF format uploaded to the ASR Central SharePoint site.

Respond to Bidder Questions and Prepare and Issue Addenda

CH2M HILL will answer questions and respond to requests for additional information. .

CH2M HILL Approach and Activities:

1. Record questions and requests for information, and work with CITY procurement staff to provide answers and additional information as required to all qualified bidders.
2. Prepare technical addenda as required to clarify the intent of the contract documents, and up to two bid addenda as required to address bidder's questions.

Assumptions: The responses to comments and questions from the pre-bid conference and all addenda will be distributed to conference attendees by the CITY.

Deliverable: Record of questions, interpretations, responses and addenda in PDF format uploaded to the ASR Central SharePoint site.

Evaluate Bids

CH2M HILL will assist the CITY in the evaluation of submitted bids.

CH2M HILL Approach and Activities:

1. Review and evaluate bids for responsiveness, completeness, and bid amount. CH2M HILL will evaluate and make a recommendation for award of the contract.

2. If required, assist the CITY in the preparation of the Notice of Intent to Award; the Notice of Award; delivery and execution of contract; and preparation of the Notice to Proceed.
3. If required, CH2M HILL is available to provide technical assistance with negotiations with apparent successful bidder prior to contract execution. No budget allowance has been made for this service.

Assumptions:

1. CITY will provide copies of all submitted bid forms to CH2M HILL.
2. CITY will sign the documents as required.
3. CITY will make the final decision on the award or rejection of bids.
4. In situations where the bid award is protested, CH2M HILL is available to provide technical support only. No budget allowance has been made for this service.

Deliverable: Bid evaluation letter to CITY in PDF format uploaded to the ASR Central SharePoint site.

TASK 4 – PHASE III OVERHEAD POWER LINES FINAL DESIGN SERVICES

Objective: This task includes the design phase subtasks necessary to develop bid documents for the Overhead Power Lines Phase III package.

Approaches and Activities: CH2M HILL will prepare contract documents for the overhead power lines package.

Assumptions:

1. The final design of the Phase III Overhead Distribution Power Lines is based on Final Preliminary Design Report and Implementation Plan of the Overhead Power Line Project with alterations as necessary to accommodate the final location of the substation.
2. The two-day workshop between CH2M HILL and the CITY included as part of Task 3.1 will include finalizing details of the Phase III project prior to start of final design.
3. The construction documents will be completed, but will not carry the seal of a professional engineer when delivered to the CITY at this time. The CITY will retain the construction documents on file until the Phase III project can begin.
4. When the CITY is ready to issue the construction documents for Phase III project, CH2M HILL will first confirm that the conditions or requirements at that time are compatible with the contract documents. Not until after such confirmation will CH2M HILL affix the Professional Engineer's seals to the Phase III contract documents. Neither the confirmation nor any subsequent design nor editing of the Contract Documents is included in the present scope of work.

Task 4.1 Phase III Overhead Power Lines 60 Percent Design Review Package

Objective: The objective of this task is to develop a package of construction documents that is approximately 60 percent complete.

CH2M HILL Approaches and Activities:

1. Prepare a package of 60 percent complete construction documents that will include draft versions of the contract specifications, first draft of technical specifications, and drawings.
2. Update the 30 percent complete opinion of probable construction cost estimate based on the 60-percent complete review submittal sets.

3. Conduct multidiscipline internal quality assurance/quality control (QA/QC) continuous review, with the senior review team throughout the design. Formal internal QA/QC reviews will be performed prior to submitting the deliverable to the City.
4. Attend a workshop with CITY and Program Management staffs to present and discuss the major concepts and findings in the 60 percent design review submittals. The CITY'S consolidated review comments, outstanding issues, and major action items and decisions will be summarized in a memorandum that will be distributed to the design team.

Assumptions:

1. Since the construction documents are inter-dependent, some documents will be more than 60% complete, and others will be less than 60%. This does not mean that every single document will be 60% complete. This package, with the CITY's comments incorporated will be the basis for the 90 percent complete package of construction documents.
2. Approximately 15 construction drawings and 6 technical specification sections will be prepared for the overhead power lines, which include civil, structural, and electrical disciplines.
3. It is anticipated that a maximum of one eight-hour workshop will be required for this subtask. The workshop will be conducted Wichita and will be attended by 1 CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: The deliverable for this subtask is electronic and consists of a single electronic file containing the 60 percent complete drawings, specifications and cost estimate in PDF format uploaded to the Wichita ASR SharePoint site. A memorandum documenting the CITY's decisions and directions during the 60 percent review workshop will be provided in PDF format and uploaded to the ASR SharePoint site.

Task 4.2 Phase III Overhead Power Lines 90 Percent Design Review Package

Objective: The objective of this task is to develop a package of construction documents that is approximately 90 percent complete.

CH2M HILL Approaches and Activities:

1. Prepare a package of 90 percent complete construction documents that will include bidding requirements, contract and technical specifications, and drawings.
2. Update the 60-percent complete opinion of probable construction cost estimate based on the 90-percent review submittal set.
3. Conduct multidiscipline internal quality assurance/quality control (QA/QC) continuous review, with the senior review team, throughout the design. Formal internal QA/QC reviews will be performed before the deliverable is submitted to the City.
4. Attend a workshop with CITY's staff to present and discuss the major concepts and findings in the 90 percent design review submittals. The CITY'S consolidated review comments, outstanding issues, and major action items and decisions will be summarized in a memorandum that will be distributed to the design team.

Assumptions:

1. Since the construction documents are inter-dependent, some documents will be more than 90% complete, and others will be less than 90%. This does not mean that every single document will be

90% complete. This package, with the CITY's comments incorporated will be the basis for the Issued for Bid construction documents.

2. Approximately 15 construction drawings, 35 specification sections will be prepared for the overhead power lines, which include civil, structural, and electrical disciplines.
3. It is anticipated that a maximum of one eight-hour workshop will be required for this subtask. The workshop will be conducted in Wichita and will be attended by 1 CH2M HILL project person with up to 4 additional project personnel participating by conference call.

Deliverables: The deliverable for this task is electronic and consists of a single electronic file containing the 90 percent complete drawings, specifications and cost estimate in PDF format up-loaded to the Wichita ASR Sharepoint site. A memorandum documenting the CITY's decisions and directions during the 90 percent review workshop will be provided in PDF format and uploaded to the ASR SharePoint site.

Task 4.3 Phase III Overhead Power Lines Issue for Bid Package Contract Documents (100 Percent Design)

Objective: CH2M HILL will complete the drawings and specifications and develop a set of construction documents.

CH2M HILL Approaches and Activities:

1. Prepare Final Division 00 Contracting Requirements and Division 01 General Requirement:
 - 1.1. Incorporate CITY's Contracting Requirements, General Conditions, Supplementary Conditions, Bid Forms and Bond Forms to be included with the bid documents and tailor Division 00 for this Project.
 - 1.2. Incorporate CITY's comments on Division 01 General Requirements specification sections.
2. Complete the drawings and technical specifications and incorporate the review comments on the 90 percent complete construction Contract Documents based on appropriate consolidated review comments received from the CITY and internal quality control reviews.
3. Update the 90% Complete Opinion of Probable Construction Cost based on the 100-percent complete draft Contract Documents set.

Assumptions:

1. CITY will provide appropriate Agreement, General Conditions, Supplementary Conditions, and Bond Forms.
2. CITY will provide Bid Documents, including Instructions to Bidders, Bid Forms, and Bid Bond requirements.
3. The construction documents will be retained on file by the CITY. CH2M HILL will not affix the Professional Engineer's seals to the construction documents for this submittal. The effort required to make any changes after the final version is approved, signing and printing of the construction documents and bid services are not included in this scope of work.

Deliverables: Deliverables include draft and final versions of the contract documents. The draft copy of the bid package in PDF format will be uploaded to the ASR Central SharePoint site. The final version of the Contract Documents will be delivered in electronic and hard copies as stated in the General Assumptions section above.

TASK 5 – PROCUREMENT SPECIFICATIONS

Task 5.1 Procurement Equipment Design

Objective: Prepare procurement specifications to be used by the CITY for the purchase of substation equipment consisting of two transformers, two over-current protective devices, and four 12.7kV reclosers.

CH2M HILL Approaches and Activities:

Prepare draft procurement specifications for review by CITY staff. Written and emailed comments from the CITY will be received and incorporated into the final procurement specifications to be used by CITY to purchase long lead-time equipment.

Assumptions:

1. CITY will assist CH2M HILL in the development of a list of recommended suppliers and/or preferred manufacturers of main power transformers, over-current protective device, protective relaying, and high-side and low-side bus construction.
2. Procurement specifications will be written for main power transformers, 138kV over-current protective device, and 12.47kV reclosers.
3. The over-current protective devices and reclosers specifications will be provided to the CITY for its use in the purchasing of these items directly.
4. The transformers will be purchased as an equipment procurement package including legal, Division 0 and 1 specification, or by other means as is convenient to the CITY.
5. CH2M HILL will combine requirements specific to this job with other specifications used successfully on previous jobs.
6. CH2M HILL will receive written comments from the CITY within 15 days after submittal of draft procurement specifications.

Deliverables: Deliverables include draft and final versions of the procurement specifications. Each version of the specifications in PDF format will be uploaded to the ASR Central SharePoint site.

Task 5.2 Procurement Equipment Bid Support

The CITY will issue the contract documents for bid for the equipment purchase.

Respond to Bidder Questions and Prepare and Issue Addenda

CH2M HILL will answer questions and respond to requests for additional information.

CH2M HILL Approach and Activities:

1. Record questions and requests and work with CITY procurement staff to provide answers and additional information as required to all qualified bidders.
2. Prepare technical addenda as required to clarify the intent of the contract documents, and one bid addendum as required to address bidder's questions.

Assumptions: The responses to comments and questions from the bidders and all addenda will be distributed to potential bidders by the CITY.

Deliverable: Record of questions, interpretations, responses and addenda in PDF format uploaded to the ASR Central SharePoint site.

Evaluate Bids

CH2M HILL will assist the CITY in the evaluation of submitted bids.

CH2M HILL Approach and Activities:

1. Review and evaluate bids for responsiveness, completeness, and bid amount. CH2M HILL will evaluate and make a recommendation for award of the contract.
2. If required, assist the CITY in the preparation of the Notice of Intent to Award; the Notice of Award; delivery and execution of contract; and preparation of the Notice to Proceed.
3. If required, provide technical assistance with negotiations with apparent successful bidder prior to contract execution. No budget allowance has been made for this service.

Assumptions:

1. CITY will provide copies of all submitted bid forms to CH2M HILL.
2. CITY will sign the documents as required.
3. CITY will make the final decision on the award or rejection of bids.
4. In situations where the bid award is protested, CH2M HILL is available to provide technical support only. No budget allowance has been made for this service.

Deliverable: Bid evaluation letter to CITY in PDF format uploaded to the ASR Central SharePoint site.

Task 5.3 Services During Equipment Procurement

CH2M HILL will review vendor submittals, answer vendor questions, and conduct conference calls for the procurement equipment items.

CH2M HILL Approach and Activities:

Review the submittals, coordinate with the CITY on CITY review comments, and issue one consolidated set of review comments.

Assumptions: CONTRACTOR will submit electronic and hardcopy submittals to CH2M HILL.

Deliverable: Submittal of review comments in PDF format uploaded to the ASR Central SharePoint site.

TASK 6 – PERMITTING AND EASEMENT SUPPORT

Objective: CH2M HILL will provide consulting services to support the application, review, and ultimate acquisition by others of the permits and easements necessary to implement the project.

Task 6.1 Permits

The following list of permits is required for the Phase III of the project:

1. Railroad Crossing Permits for a new underground railroad crossing west of the intersection of River Park Road and 24th Street (south of US Highway 50).
2. Railroad crossing permit for a new underground crossing of the railway south of the intersection of River Park Road and 24th Street (south of US Highway 50).

3. Modification to existing railroad crossing south of the intersection of Golden Prairie Road and 24th Street (south of US Highway 50).

Assumptions:

1. The CONTRACTOR will obtain the railroad crossing permit for modification to existing railroad crossing south of the intersection of Golden Prairie Road and 24th Street (south of US Highway 50).
2. Permit fees are the responsibility of the CITY.
3. No wetlands delineation or ecological surveys are required or needed for permitting support.

Deliverables: CH2M HILL will prepare one copy of the required railroad permit applications and provide mapping/drawings/models to support permit application process by CITY. Documents will be uploaded to the ASR Central SharePoint site in PDF format.

Task 6.2 Easements

CH2M HILL will adapt the design to minimize the quantity and size and optimize the location of easements required.

CH2M HILL will identify the locations of easement.

Assumptions: The CITY will be responsible for obtaining all easements.

Deliverable: Sketches or letters to define where easements are required, and their size and shape.

**Exhibit B – Compensation
for
Supplemental Agreement No. 1
to the
Agreement for Professional Design Services
Design Services Agreement
City of Wichita ASR Program – Phase II Projects
Dated July 1, 2008
For
Final Design and Bidding Services of Overhead Power Lines Project**

Exhibit B

COMPENSATION

This Exhibit B to Supplemental Agreement No. 1 lists compensation for the following project:

A: Overhead Power Lines Final Design and Bidding Services

This Exhibit B supersedes all prior written or oral understandings of the compensation, and may only be changed by mutual agreement of both parties.

This is a billing rates contract with a not-to-exceed limit as defined in this attachment. Designer cannot exceed the contract limit without prior written authorization from the Project Manager. As such, Designer's compensation will be based upon the total hours worked on the Project by each employee, multiplied by the hourly rate for that employee or employee's job classification. Labor-related changes include salary rates, fringe benefits, general and administrative overhead, and profit. General and administrative overhead includes indirect expenses and costs not identifiable as directly allocable to individual projects. Direct expenses are charges, other than those included in time-related charges, incurred directly for the Project. Direct expenses and sub-consultant services, will be reimbursed at Designer's cost.

This is a task-based budget, so labor and expenses must be invoiced on a per-task basis. It is allowable, within reason, for Designer to exceed the budget on a task(s) as long as Designer's costs do not exceed the agreed upon contract limit. The contingency presented in Designer's fee estimate is not part of the not-to-exceed limit and cannot be used without prior written authorization from the Project Manager. Instead, the purpose of the contingency is to make an allowance for changes to Designer's scope of work that could occur during the course of the completion of the design. If this contingency is needed, Designer will submit a full analysis and report to Project Manager that provides all the necessary information to render a decision on whether to approve or disapprove of releasing contingency.

Exhibit B

COMPENSATION

Top Task: Amendment 1 to Overhead Power Lines Preliminary Design

Task 02.01 Project Management	132,027
Task 02.02 Substation Design	632,016
Task 02.03 Phase II Overhead Power Line Design	440,415
Task 02.04 Phase III Overhead Power Line Design	231,641
Task 02.05 Procurement Specifications	44,280
Task 02.06 Permit and Easement Support	53,972
Total Design Fee	1,534,351
Task 02.CT PC Contingency	155,577
Total:	1,689,928

**Exhibit C – Milestone Schedule
for
Supplemental Agreement No. 1
to the
Agreement for Professional Design Services
Design Services Agreement
City of Wichita ASR Program – Phase II Projects
Dated July 1, 2008
For
Final Design and Bidding Services of Overhead Power Lines Project**

Exhibit C**MILESTONE SCHEDULE**

This Exhibit C includes a summary of projected schedule milestones for Amendment 1 to the Agreement for Professional Design Services, Design Services Agreement, City of Wichita- Phase II, Phase III and Substation Projects and GIS Services, Dated July 1, 2008 For Final Design and Bidding Services for Overhead Power Lines

<u>Activity</u>	<u>Finish</u>
Notice to Proceed	May 15, 2008
Task 1: Project Management	August 31, 2010
Task 2: Substation Design	July 13, 2010
Task 3: Overhead Power Lines Phase II, Final Design	April 21, 2010
Task 4: Overhead Power Lines Phase III, Final Design	February 1, 2010
Task 5: Procurement Specifications	January 26, 2010
Task 6: Permitting and Easement Support	December 31, 2009

**City of Wichita
City Council Meeting
May 12, 2009**

TO: Mayor and City Council

SUBJECT: Gas Line Extension for Standby Power Facilities

INITIATED BY: Water Utilities

AGENDA: Consent

Recommendation: Approve the proposal from Black Hills Energy.

Background: Reliable power is critical in providing water service to the City of Wichita and its customers. The Water Utilities' Vulnerability Assessment identified the lack of standby power generation as a security concern and recommended that standby power generation be installed.

Analysis: All water production, treatment and pumping facilities are operated by electrical power. Loss of power could result in a significant impact on the City's ability to provide potable water. A project was created in the Capital Improvement Plan to fund the installation of standby power generators and necessary appurtenances for the Water Treatment Plant, Hess Pump Station, Webb Road Pump Station, Cheney Pump Station and the Equus Beds Wellfield.

In addition to security concerns, there is the potential for a natural disaster, such as the ice storm of January 2005 which resulted in power outages. The standby generators will enable Wichita's water supply to continue to be treated and distributed during power outages. The generators will run on a combination of natural gas and diesel fuel. Black Hills Energy reviewed the power requirements for the generators, and has determined that the current gas lines are not adequate to safely provide power to the generators and current customers.

Financial Considerations: The cost to install the new gas line is \$179,000. Funding for this project is included in W-1397, Standby Power Facilities.

Goal Impact: The project will ensure efficient infrastructure by providing standby power facilities when loss of power occurs.

Legal considerations: There are no legal considerations.

Recommendations/Actions: It is recommended that the City Council approve the payment to Black Hills Energy for \$179,000 and authorize the necessary signatures.

Attachments: There are no attachments.

Second Reading Ordinances for May 12, 2009 (first read on May 5, 2009)

Water Schedule of Rates and Charges Ordinance - Amended Ordinance.

ORDINANCE NO.48-324

An ordinance amending Section 17.12.090 as amended by Ordinance No. 47-984 of the code of the city of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said section.

21st Street Corridor Improvement, from Waco to Broadway. (District VI)

ORDINANCE NO. 48-325

An ordinance amending Ordinance No. 47-579 of the City of Wichita, Kansas declaring the intersection of 21st Street and Broadway and 21st street between Broadway and Waco (472-84295) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

Acquisition by Eminent Domain of tracts required for the I-135/47th Street South Interchange Project. (District III)

ORDINANCE NO.48-326

An ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of the I-135/47th street south interchange project in the city of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the district court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.